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MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (16) of § 6.304 is amended and paragraph (a) (18) is added as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* * * *

(16) One Deputy Assistant Secretary (National Security Council Affairs and Planning), Office of the Assistant Secretary of Defense for International Security Affairs.

* * * * *

(18) One Deputy Assistant Secretary (Politico-Military), Office of the Assistant Secretary of Defense for International Security Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-4181; Filed, May 23, 1957; 8:45 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

APPENDIX A—LIST OF OFFICERS EXCLUDED FROM COVERAGE PURSUANT TO SECTION 202 (c) (1) (C) OF THE ANNUAL AND SICK LEAVE ACT OF 1951, AS AMENDED

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, the following position is added to Appendix A:

DEPARTMENT OF THE INTERIOR

* * * * *

(b) U. S. Fish and Wildlife Service.
1. Commissioner of Fish and Wildlife.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065. Interprets or applies sec. 202, 65 Stat. 679, as amended; 5 U. S. C. 2061. E. O. 10540, 19 F. R. 3983, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-4159; Filed, May 23, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 6]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1957 CROP OF UPLAND COTTON

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Acreage Allotments for the 1957 Crop of Upland Cotton (21 F. R. 7817, 8077, 9630; 22 F. R. 533, 2145, 3103) is to provide that determinations of normal yield for farms be made on the basis of harvested acreages of cotton instead of planted acreages of cotton. In order that normal yields may be established without delay, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.812 (c) (13) of the Regulations Pertaining to Acreage Allotments for the 1957 Crop of Upland Cotton is amended by inserting the word "harvested" between the words "per" and

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Revised Books are now available:

Title 26 (1954) Parts 170–220 (Rev. 1956) ($2.25)

Title 32A ($2.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Titles 4 and 5 ($1.00); Title 7, Parts 1–209 ($1.75), Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 8 ($0.55); Title 9 ($0.70); Titles 10–13 ($1.00); Title 14, Part 400 to end ($1.00); Title 16 ($1.50); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.65); Title 20 ($1.00); Title 21 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($1.00); Title 25 ($1.25); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.50); Titles 30 and 31 ($1.50); Title 32, Parts 400–699 ($1.25), Parts 700–799 ($0.50), Parts 800–1099 ($0.55), Part 1100 to end ($0.50); Title 33 ($1.50); Title 39 ($0.50); Titles 40, 41, and 42 ($1.00); Title 43 ($0.60); Titles 47 and 48 ($2.75); Title 49, Parts 1–70 ($0.65), Parts 91–164 ($0.60), Part 165 to end ($0.70)

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"acre" in the first sentence thereof and reads as follows:

(13) "Normal yield" means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 22d day of May 1957. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-4261; Filed, May 22, 1957; 3:54 p. m.]

[Amdt. 1]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1957 UPLAND CROP

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the regulations pertaining to Cotton Marketing Quotas for the 1957 Upland Crop (22 F. R. 3284) is to provide that determinations of normal yield for counties and farms be made on the basis of harvested acreages of cotton instead of planted acreages of cotton. In order that normal yields may be established without delay, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to Cotton Marketing Quotas for the 1957 Upland Crop are amended as follows:

1. Section 722.842 (b) (5) is amended by inserting the word "harvested" between the words "per" and "acre" in the first sentence thereof and reads as follows:

(5) "Normal yield" means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

2. Section 722.842 (d) (8) is amended by inserting the word "harvested" between the words "per" and "acre" in the first sentence thereof and reads as follows:

(8) "Normal yield for any county" means the average yield per harvested acre of lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director. If for any year of such five-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office, and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 22d day of May 1957. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-4260; Filed, May 22, 1957; 3:53 p. m.]

[Amdt. 4]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1957 CROP OF EXTRA LONG STAPLE COTTON

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Acreage Allotments for the 1957 Crop of Extra Long Staple Cotton (21 F. R. 8275, 9627; 22 F. R. 493, 3365) is to provide that determinations of normal yield for farms be made on the basis of harvested acreages of extra long staple cotton instead of planted acreages of such cotton. In order that normal yields may be established without delay, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1412 (c) (13) of the Regulations Pertaining to Acreage Allotments for the 1957 Crop of Extra Long Staple Cotton is amended by inserting the word "harvested" between the words "per" and "acre" in the first sentence thereof and reads as follows:

(13) "Normal yield" means the average yield per harvested acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 22d day of May 1957. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-4262; Filed, May 22, 1957; 3:54 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 14]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

§ 969.314 *Avocado Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 26, 1957. A reasonable determination as to the maturity and quality of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until the dates hereinafter set forth; determinations as to the time of maturity of the varieties of avocados covered by this regulation were made at a meeting of said committee on May 14, 1957, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; recommendation as to the need for, and the extent of, regulation of the quality of shipments of such avocados on and after June 3, 1957, was made by a telephone vote of said committee on May 15, 1957, after consideration of all available information as to the quality, the supply of, and demand for, such avocados, at which time the recommendations and supporting information for quality regulation in the manner and for the period herein set forth were submitted to the Department; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 3, 1957, and ending at 12:01 a. m., e. s. t., April 30, 1958, no handler shall handle any avocados, grown in South Florida, unless such avocados (i) grade at least No. 2 Grade, and (ii) meet the requirements of Standard Pack.

(2) After the effective time of this section, no handler shall handle any of the varieties of avocados listed in Columns 1, 3, 5, and 7 of Table I prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in Columns 2, 4, 6, or 8 of such table;

TABLE I

Variety	Date	Variety	Date	Variety	Date	Variety	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fuchs	6-24-57	Collinson	10-14-57	Pinelli	8-19-57	Avon	10- 7-57
Pollock	7- 1-57	Hall	10-21-57	Fairchild	9- 2-57	Booth 10	10-28-57
Simmonds	7- 1-57	Herman	10-28-57	Nirody	9-16-57	Booth 11	10-28-57
Nadir	7- 1-57	Winslowson	10-28-57	Simpson	9-23-57	Ajax (Booth 7 B)	11- 4-57
Hardee	7- 1-57	Booth 3	11- 4-57	Vaca	9-30-57	Dunedin	11-11-57
Trapp	7-22-57	Booth 1	11-18-57	Sherman	9-30-57	Byars 1	12- 2-57
Waldin	7-30-57	Monroe	11-18-57	Black Prince	9-30-57	Nabal	12- 9-57
Tonnage	8-19-57	Choquette	11-18-57	Marcus	10- 7-57	Schmidt	1-27-58
Booth 8	9- 9-57	Taylor	11- 4-57	Booth 5	10-14-57	Itzamna	2-24-58
Lula	9-30-57	Linda	12- 2-57	Blair	10-14-57		
Booth 7	10- 7-57	Wagner	12-16-57	Nelson	10-21-57		
Hickson	10-14-57	Petersen	8- 5-57	Rue	10-21-57		

(3) Insofar as varieties of the West Indian type of avocados not listed in Table I are concerned, no handler shall handle any of such varieties except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., June 3, 1957.

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 3, 1957, and ending at 12:01 a. m., e. s. t., June 17, 1957, the individual fruit in each lot must weigh at least 16 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 16 ounces but not less than 14 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(iii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 17, 1957, and ending at 12:01 a. m., e. s. t., July 15, 1957, the individual fruit in each lot must weigh at least 14 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iv) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., July 15, 1957, and ending at 12:01 a. m., e. s. t., September 9, 1957, the individual fruit in each lot must weigh at least 12 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(4) Insofar as any and all avocados not covered under subparagraphs (1) through (3) of this paragraph are concerned, no handler shall handle any such avocados prior to 12:01 a. m., e. s. t., September 2, 1957.

(5) Notwithstanding the provisions of subparagraph (3) of this paragraph, any handler may, on and after the applicable beginning date specified in subdivision (i) of such subparagraph, handle any lot of avocados covered by such subparagraph without regard to the minimum weight requirements specified when (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(c) As used in this section, "No. 2 Grade" and "Standard Pack" shall have the same meaning as in paragraphs (c) and (f), respectively, of § 969.130 (21 F. R. 2409).

(d) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., May 26, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-4234; Filed, May 23, 1957; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter B—Federal Home Loan Bank System

[No. 10733]

PART 122—ORGANIZATION OF THE BANKS

NOTIFICATION TO NOMINEES

MAY 17, 1957.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108), § 122.28 of the regulations for the Federal Home Loan Bank System (24 CFR 122.28) is hereby amended, effective May 24, 1957, to read as follows:

§ 122.28 *Notification to nominees.* A letter will be forwarded to each nominee under registered mail so as to reach his address, as shown by the Board's records, before September 9, informing him of his nomination: *Provided, however,* No such letter shall be forwarded to any nominee holding a class directorship or a directorship-at-large whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding an appointive directorship, unless the Secretary to the Board has received from him before September 1 notice of his intention to be a candidate for a class directorship or directorship-at-large. With such letter each such nominee will be forwarded a list of nominees reflecting the directorship or directorships for which each was nominated, a copy of these regulations governing the nomination and election of Bank directors and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for the directorship for which he has been nominated and whether he is willing to serve if elected. Such questionnaire must be completely filled in and mailed so as to be delivered to the office of the Secretary to the Board not later than September 20 in order for the nominee to have his name placed on an election ballot. No candidate shall be eligible for election to a directorship unless he is nominated and his name placed on an election ballot pursuant to the provisions of this section and § 122.29.

Resolved further that, as this amendment is procedural in character and the deferment of its effective date would serve no useful purpose, notice and public procedure thereon is unnecessary and deferment of the effective date is not required by section 4 of the Administrative Procedure Act or Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108).

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 57-4222; Filed, May 23, 1957; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 562, Amdt. 9]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1957.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F. R. 2697), as amended (15 F. R. 3105; 8651; 16 F. R. 4551; 17 F. R. 4675; 18 F. R. 3048; 19 F. R. 2966; 20 F. R. 3685; 21 F. R. 3650), and good cause appearing therefor: It is ordered, that:

Section 97.562 *Rerouting of traffic; appointment of agent,* of Revised Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraphs (a) and (d) hereof for paragraphs (a) and (d) thereof:

(a) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington 25, D. C., is hereby designated and appointed an Agent of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever in his opinion an emergency exists whereby any railroad is unable to move traffic currently over its lines.

* * * * *

(d) Expiration date: This section shall expire at 11:59 p. m., May 25, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., May 25, 1957; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-4220; Filed, May 23, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 27]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

ANTICOLLISION LIGHT STANDARDS

Civil Air Regulation Amendment 3-1, effective April 1, 1957, deleted the standards for a flasher, if employed, under the position light system and added a new § 3.705, anticollision light system. Therefore, the CAA's policies on fail-safe position light flashers in § 3.700-2 are no longer necessary and are hereby rescinded. The CAA's policies contained in § 3.700-3, anticollision light, are now applicable to the new § 3.705. Therefore, § 3.700-3, with a new opening paragraph, is redesignated as § 3.705-1.

The following amendments are hereby adopted:

1. Sections 3.700-2 and 3.700-3 are hereby rescinded.

2. A new § 3.705-1 is added to read as follows:

§ 3.705-1 *Anticollision light standards (CAA policies which apply to § 3.705).* The anticollision light standards in § 3.705 apply to aircraft for which an application for a type certificate is made on or after April 1, 1957. When anticollision lights are installed on aircraft type certificated prior to April 1, 1957, the applicant may conform either to § 3.705 or to the standards listed below:

(a) Anticollision lights (when installed) should be of the rotating beacon type installed on top of the fuselage or tail in such a location that the light will not be detrimental to the flight crew's vision and will not detract from the conspicuity of the position lights. If there is no acceptable location on top of the fuselage or tail, a bottom fuselage installation may be used.

(b) The color of the anticollision light should be aviation red in accordance with the specifications of § 3.703.

(c) The arrangement of the anticollision light, i. e., number of light sources, beam width, speed of rotation, etc., should be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute, with an on-off ratio not less than 1:75.

This supplement shall become effective June 15, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 603, 52 Stat. 1007, 1009 as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE, *Administrator of Civil Aeronautics.*

MAY 17, 1957.

[F. R. Doc. 57-4221; Filed, May 23, 1957; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 250]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED 6 JUNE 1957 DUE TO DECOMMISSIONING OF LOU LFR.

City, Louisville; State, Ky; Airport Name, Bowman Field; Elev, 549'; Fac Class, SBMRLZ; Ident, LOU; Procedure No. 1, Amdt 4; Eff Date, 28 Apr 56; Sup Amdt No. 3, Dated, 22 Jan 51

PROCEDURE CANCELLED 6 JUNE 1957 DUE TO DECOMMISSIONING OF LOU LFR.

City, Louisville; State, Ky; Airport Name, Standiford; Elev, 497'; Fac Class, SBMRLZ; Ident, LOU; Procedure No. 1, Amdt 5; Eff Date, 5 May 56; Sup Amdt No. 4; Dated, 22 Jan 51

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Findlay "H"	FDY-VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-d	700–1½	700–1½	700–1½
				C-n	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 220 Outbnd, 040 Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 040—9.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 mi, make a climbing left turn, return to Findlay VOR at 2000' Hold SW on R-220 in a one-minute right hand pattern.
CAUTION: Radio tower 1080' MSL 1.5 mi ESE of airport.

City, Findlay; State, Ohio; Airport Name, Findlay; Elev, 800'; Fac Class, VOR; Ident, FDY; Procedure No. 1, Amdt 3; Eff Date, 22 Jun 57; Sup Amdt No. 2; Dated, 29 Dec 56

Clermont Int	LOU-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Bourbon Int	LOU-VOR	Direct	2000	C-dn	600–2	600–2	600–2
				S-dn-29	600–1½	600–1½	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 120 Outbnd, 300 Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 300—8.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles, climb to 2500' on 300 R within 20 miles, of LOU-VOR. Alternate missed approach, when requested by ATC, make a right climbing turn, return to VOR at 2000'.

City, Louisville; State, Ky; Airport Name, Standiford Fld; Elev, 497'; Fac Class, BVOR; Ident, LOU; Procedure No. 1, Amdt 3; Eff Date, 6 Jun 57; Sup Amdt No. 2; Dated, 21 Jan 56

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine. more than 65 knots
					65 knots or less	More than 65 knots	
Charlotte LFR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
Int N crs Charlotte LFR & SW crs ILS	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Union Int	Clover Int**	Direct	2300	S-dn-5:			
Charlotte VOR	Clover Int**	Direct	2300	ILS*	200-½	200-½	200-½
Clover Int** ILS	LOM (Final)	Direct	2300	ADF	400-1	400-1	400-1
Clover Int** ADF	LOM (Final)	Direct	1500	A-dn:			
York Int	Clover Int**	Direct	2300	ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized.
**Clover Int, Int R-328 CLT & CLT-ILS-SW crs. (To be shown on A-L chart only.)
Procedure turn S side of SW crs, 229 Outbnd, 049 Inbnd, 2300′ within 10 miles.
Minimum altitude at G. S. int inbnd, 2300′ ILS, minimum altitude over LOM inbnd final 1500′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 2290—4.6, at MM 950—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi of LOM, climb to 2200′ on NE crs ILS (049 from LOM) within 20 miles, or when directed by ATC, turn left, climb to 2500′ on N crs LFR (358°) within 20 miles.

City, Charlotte; State, N C; Airport Name, Douglas; Elev, 748′; Fac Class, ILS-CLT; Ident, LOM-CL; Procedure No. 1, Amdt 11, Comb ILS and ADF; Eff Date, 22 Jun 57; Sup Amdt No. 10; Dated, 17 Nov 56

Louisville VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Bardstown Int	LOM	Direct	2100	C-dn	500-1	500-1	500-1½
Bourbon Int	LOM	Direct	2100	S-dn-01:			
Elizabeth Int	LOM	Direct	2100	ILS*	200-½	200-½	200-½
				ADF	500-1	500-1	500-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required with glide slope inoperative.
Procedure turn W side S crs, 190 Outbnd, 010 Inbnd, 2100′ within 6 mi. NA beyond 6 mi to avoid Godman Restricted Area.
Minimum altitude at glide slope int inbnd, 2000′ ILS. Min. alt. over LOM inbnd final—1600′ ADF.
Altitude of glide slope & distance to approach end of rny at OM 2080—5.4; at MM 690—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi after passing LOM (ADF), turn left as soon as practical, climbing to 2600′ on R-309 LOU within 20 mi, or when directed by ATC, turn right as soon as practical, climbing to 2200′ and proceed to LOU VOR at 2200′.
CAUTION: Obstruction 1060′ 4 mi N of Standiford Field.

City, Louisville; State, Ky; Airport Name, Standiford; Elev, 497′; Fac Class, ILS-SDF; Ident, LOM-SD; Procedure No. 1, Amdt 15, Comb ILS-ADF; Eff Date, 6 Jun 57; Sup Amdt No. 14; Dated, 10 Nov 56

Louisville VOR	Jeffersonville Int	Direct	2000	T-dn	300-1	300-1	200-½
Nabb Int	Jeffersonville Int	Direct	2000	C-dn	500-1	500-1	500-1½
Jeffersonville Int	Harbor Int# (Final)	Direct	2000	S-dn-19**	500-1	500-1	500-1
Radar terminal area transitions	Radar site	Within 25 mi	2500	A-dn	800-2	800-2	800-2

**Do not descend below 1100′ MSL until past Cave Hill Int.
Procedure turn E side N crs, 010 Outbnd, 190 Inbnd, 2000′ within 10 mi N of Jeffersonville Int* (nonstandard due to obstructions).
No glide slope or markers. Alt over Harbor Int# 2000′. Descend to landing minimums after passing Harbor Int# Crs and distance, Harbor Int# to Runway 19, 190—5.3.
#Harbor Int—N crs of ILS & Louisville VOR radial 327.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 mi after passing Harbor Int, climb to 2100′ on S crs of ILS to LOM.
NOTE: ADF approach not authorized. This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.

City, Louisville; State, Ky; Airport Name, Standiford; Elev, 497′; Fac Class, ILS; Ident, SDF; Procedure No. 2, Amdt 2; Eff Date, 6 Jun 57; Sup Amdt No. 1; Dated, 17 Nov 56

Langley LFR	LOM	Direct	1100	T-dn	300-1	300-1	200-½
Norfolk LFR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Bacons Castle MHW	LOM (Final)	Direct	1100	S-dn-6:			
Yorktown MHW	LOM	Direct	1300	ILS	400-¾	400-¾	400-¾
Norfolk Radar NW quadrant of Langley LFR.	Radar site	Within 10 mi	1500	ADF	400-1	400-1	400-1
All other quadrants	Radar site	Within 15 mi	1500	A-dn	800-2	800-2	800-2

Procedure turn W side SW crs, 244 Outbnd, 064 Inbnd, 1100′ within 5 mi (nonstandard due to traffic).
Minimum altitude at glide slope int inbnd—1100′ ILS. Min. alt. inbnd final—800′ ADF.
Altitude of glide slope and distance to approach end of rny at OM—965—2.7; no middle marker or LMM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi after passing LOM (ADF), make a left climbing turn to 300 M and proceed to Charles City Int via SE crs Richmond, Va LFR at 1500′.
AIR CARRIER NOTE: 400-1 required when installed ILS components are inoperative.

City, Newport News; State, Va; Airport Name, Patrick Henry; Elev, 41′; Fac Class, ILS-PHF; Ident, LOM-PH; Procedure No. 1, Amdt 6, Comb ILS-ADF; Eff Date, 22 Jun 57; Sup Amdt No. 5; Dated, 8 Jan 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Scotland MHW	OM (Final)	Direct	1000	T-dn	300–1	300–1	200–½
Colts Neck VOR via R-063	ILS SW crs	Direct	1400	C-dn	400–1	500–1	500–1½
Radar terminal area transitions:				S-dn-4:			
All directions		Within 25 mi	2500	ILS	200–½	200–½	200–½
E of NE–SW crs of LGA–LFR		Within 15 mi	1500	ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Procedure turn S side SW crs ILS, 223 Outbnd, 343 Inbnd, 1200' within 10 mi of OM.
Minimum altitude at glide slope int inbnd, 1000'.
Altitude of glide slope and distance to approach end of rny at OM—770—2.4; at MM—230—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 500' on NE crs ILS, make a climbing right turn to 1500' on 130°, intersecting SW crs Mitchel LFR and proceed to the Long Beach Int. Contact Idlewild approach control for further instructions.
CAUTION: Circling landing minimums do not provide std clrnc over arpt cont twr and stack 278' 1.7 mi SSE rny 1R.

City, New York; State, N Y; Airport Name, International; Elev, 12'; Fac Class, ILS OM-H; Ident, IDL IDL; Procedure No. 1, Amdt 13, Comb ILS-ADF; Eff Date, 22 Jun 57; Sup Amdt No. 12; Dated, 11 Apr 57

Orlando LFR	LOM	Direct	1300	T-dn	300–1	300–1	200–½
Oviedo FM	LOM	Direct	1300	C-dn	400–1	500–1	500–1½
Orlando VOR	LOM	Direct	1300	S-dn-31:			
Int of SE crs ILS & SW crs ORL LFR	LOM	Direct	1300	ILS#	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

#400–¾ required when glide slope not utilized.
Procedure turn N side crs 130 Outbnd, 310 Inbnd, 1300' within 10 miles.
Minimum altitude at G. S. int inbnd, 1300' ILS, minimum altitude over LOM inbnd final 800 ADF.
Altitude of G. S. and distance to approach end of rny at OM 1300—4.2, at MM 340—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 after passing LOM (ADF) climb to 1700' on NW crs ILS (310) within 20 mi, or when directed by ATC, climb to 1700' on SW crs ORL LFR or R-220 ORL, within 20 mi.
NOTE: No approach lights.

City, Orlando; State, Fla; Airport Name, Orlando; Elev, 115'; Fac Class, ILS-IORL; Ident, LOM-OR; Procedure No. 1, Amdt 6, Comb ILS-ADF; Eff Date 22 Jun 57; Sup Amdt No. 5; Dated, 25 Dec 54

4. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance Approach			
				T-dn*	300–1	300–1	200–½
				S-dn 19L–R	500–1	500–1	500–1
				S-dn 28L–R	400–1	400–1	400–1
				C-dn#	500–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

*300–1 required for take-off runways 19 L–R.
#Runways 19 L–R, 28 L–R.
Minimum altitude—5000' within 30 miles or minimum en route altitude for approved routes to San Francisco area. After identification, aircraft may be vectored and descended in accordance with Radar approach patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished (1) for runways 28 L–R, climb to 3000' on northwest course SFO LFR within 25 miles; (2) for runways 19 L–R, turn left and home on SFO LOM climbing to 2000'.
CAUTION: Circling minimums do not provide standard clearance west and southwest of airport.

City, San Francisco; State, Calif; Airport Name, Int'l; Elev, 11'; Fac Class, San Francisco; Ident, Radar; Procedure No. 1, Amdt 2; Eff Date, 22 Jun 57; Sup Amdt No. 1; Dated, 29 May 54

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

MAY 15, 1957.

[F. R. Doc. 57-4129; Filed, May 23, 1957; 8:45 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Hazardous Occupations Order 6]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

OCCUPATIONS INVOLVING EXPOSURE TO RADIOACTIVE SUBSTANCES

Finding and order. Pursuant to notice published in the FEDERAL REGISTER (22 F. R. 1576), a hearing was held on April 12, 1957, on a proposed amendment of Hazardous Occupations Order No. 6. The notice contained a finding and order that certain occupations involving exposure to radioactive substances and to ionizing radiations were particularly hazardous and detrimental to minors between 16 and 18 years of age.

The purpose of this amendment is to protect the health and well-being of such minors by adopting adequate standards based upon current knowledge of radiation hazards and maximum permissible exposures thereto. It extends the coverage of the original order to include exposure to sealed sources of radioactivity, in addition to contact with radioactive substances, and restricts the permissible limits of exposure for 16- to 18-year old workers to ten percent of the limits permitted for adult workers by the National Committee on Radiation Protection, a group sponsored by the National Bureau of Standards, whose recommendations are accepted by the Atomic Energy Commission. As these recommendations are based on continuing research, this order will be amended from time to time to reflect additional information as it becomes available.

Opportunity was given to interested persons to appear at the hearing or to submit their views prior to the hearing. No objection has been raised to the proposed finding and order, and all persons who indicated an interest in the proceeding supported the proposed amendment.

The evidence introduced at the hearing forms a sound basis for the order. The record indicates that the effects of continued exposure to radioactivity are cumulative and thus a person employed in an occupation subject to radioactive exposure will absorb radioactivity in an ever-increasing total amount throughout the entire period of such employment. Exposure to radiation is therefore particularly hazardous and detrimental to the health and well-being of minors, whose period of exposed employment would ordinarily exceed that of adult workers. However, the limit of ten percent of the permissible adult dosage is considered ample to compensate for the longer period of employment during which 16 to 18-year old employees would be exposed to radiation. In addition, this limitation will provide a margin of safety in the event young persons are found to be more susceptible to radiation injury than adults.

Accordingly, pursuant to section 3 (l) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 203), and Reorganization Plan No. 2 of 1946 (60 Stat. 1095) and in accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 4, Subpart D), Hazardous Occupations Order No. 6 is hereby amended by the adoption of the proposed finding and order to read as follows:

§ 4.57 *Occupations involving exposure to radioactive substances and to ionizing radiations (Order 6)*—(a) *Finding and declaration of fact.* The following occupations involving exposure to radioactive substances and to ionizing radiations are particularly hazardous and detrimental to health for minors between 16 and 18 years of age:

(1) Any work in any workroom in which (i) radium is stored or used in the manufacture of self-luminous compound, (ii) self-luminous compound is made, processed, or packaged, (iii) self-luminous compound is stored, used, or worked upon, (iv) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged, (v) other radioactive substances are present in the air in average concentrations exceeding 10 percent of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as set forth in Table 3 of National Bureau of Standards Handbook number 52, "Maximum Permissible Amounts of Radioisotopes in the Human Body and Maximum Permissible Concentrations in Air and Water", issued March 20, 1953.

(2) Any other work which involves exposure to ionizing radiations in excess of one-tenth the maximum permissible dose recommended by the National Committee on Radiation Protection, as set forth in National Bureau of Standards Handbook number 59, "Permissible Dose from External Sources of Ionizing Radiation", issued September 24, 1954.

(b) *Definitions.* As used in this section:

(1) The term "self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element;

(2) The term "workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling;

(3) The term "ionizing radiations" shall mean alpha and beta particles, electrons, protons, neutrons, gamma and X-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and X-ray.

(Sec. 3, 52 Stat. 1060, as amended; 29 U. S. C. 203)

This order shall become effective on the 23d day of June 1957.

Signed at Washington, D. C., this 18th day of May 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-4226; Filed, May 23, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS ARISING FROM ACTIVITIES OF MILITARY OR CIVILIAN PERSONNEL OR INCIDENT TO NONCOMBAT ACTIVITIES

Sections 536.12–536.23 are revised to read as follows:

§ 536.12 *Scope.* (a) Sections 536.12–536.23 prescribe the substantive basis and special procedural requirements for the settlement of claims against the United States for death, personal injury, or damage to or loss or destruction of property caused by military personnel or civilian employees of the Department of the Army or the Army acting within the scope of their employment, or otherwise incident to the noncombat activities of the Department of the Army or the Army, except claims which may be settled under 10 U. S. C., sections 4801–4806 (maritime claims) (see § 536.45) and the Federal Tort Claims Act (28 U. S. C. 2671–2680) (see § 536.29).

(b) Claims arising in foreign countries will be settled under 10 U. S. C., section 2734 (Foreign Claims Act) (see § 536.26), if applicable; otherwise, under 10 U. S. C., section 2733, and §§ 536.12–536.23.

§ 536.13 *Claims payable*—(a) *General.* Unless otherwise prescribed, a claim for death, personal injury, or damage to or loss of property, real or personal, is payable under §§ 536.12–536.23 when:

(1) (i) Caused by the act or omission, negligent, wrongful, or otherwise involving fault.

(ii) Of military personnel or a civilian employee acting within the scope of his employment, or

(2) Incident to the noncombat activities of the Army.

(b) *Death.* Only one claim arises. The amount allowed will, to the extent found practicable, be apportioned among the beneficiaries as prescribed by law or custom of the place where the incident resulting in death occurred.

(c) *Property.* The property for damage to which claims may be settled under §§ 536.12–536.23 includes:

(1) Real property used and occupied under lease, express or implied, or otherwise;

(2) Personal property bailed to the Government under an agreement, express or implied, unless the owner has expressly assumed the risk of damage or loss; and

(3) Registered or insured mail in the possession of the Army. A claim enforceable under a lease or other contract may be settled under §§ 536.12–536.23 or under contractual procedures as deemed in the best interests of the Government. A claim for rent, as such, may not be settled under §§ 536.12–536.23 (see § 552.16a of this chapter), but allowance may be made for the use or occupancy of property arising out of trespass or other tort, even though claimed as rent. A claim for loss of registered or insured

mail may be settled under §§ 536.12–536.23 even though the loss was caused by criminal act.

(d) *Effect of negligence.* A claim predicated on negligence or wrongful act may be settled under §§ 536.12–536.23 if the Federal Tort Claims Act has been judicially determined not to be applicable to like claims, or if the claim arose incident to noncombat activities. Claims which may be settled under §§ 536.12–536.23 generally include those based on types of damage or injury normally incident to operations of Army units or personnel, while claims which must be settled under the Federal Tort Claims Act and § 536.29 include those arising from incidents common in the average civilian community, such as motor vehicle collisions. The determination that a claim may be settled under §§ 536.12–536.23 does not preclude the claimant from instituting an action under the Federal Tort Claims Act. Similarly, a claim arising incident to noncombat activities may be settled under §§ 536.12–536.23 although caused by military personnel or civilian employee not in the scope of his employment.

§ 536.14 *Claims not payable.* A claim is not allowable under §§ 536.12–536.23 which:

(a) Results from combat activities;

(b) Results wholly or partly from the negligent or wrongful act of the claimant, or of his agent, or employee, in scope of employment. The doctrine of comparative negligence is not applied;

(c) Is for personal injury or death of military personnel or civilian employee incident to his service;

(d) Is within any workmen's compensation law or regulation, whether Federal Employees Compensation Act of September 7, 1916 (39 Stat. 742), as amended (5 U. S. C. 751), Longshoremen's and Harbor Workers' Act (44 Stat. 1424; 33 U. S. C. 901), or local laws or customs;

(e) Is waived or assumed by a foreign country under treaty or agreement (see § 536.1 (g)), or for settlement of which a foreign country is responsible under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Administrative Agreement, or other similar treaty or agreement;

(f) Is purely contractual in character;

(g) Arises from private domestic obligations;

(h) Is based solely on compassionate grounds;

(i) Is for patent infringement;

(j) Is for war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as gifts or for sale to another, voluntarily bailed to agencies of the Department of the Army or of the Army. The foregoing sentence is not applicable to claims involving registered or insured mail. No allowance will be made for any item where the evidence indicates that the acquisition, possession, or transportation thereof was in violation of Army, theater, or command directives; or

(k) Is for precious jewels and other precious articles of extraordinary value, voluntarily bailed to agencies of the Department of the Army or of the Army. Allowance for expensive articles or for items purchased at unreasonably high prices will be based upon fair and reasonable prices for substitute articles of a similar type. Allowance for articles acquired by barter will not exceed the cost of the articles tendered in barter. This paragraph is not applicable to claims involving registered or insured mail.

§ 536.15 *Claims under other laws and regulations.* Sections 536.12–536.23 do not apply to any claim which may be settled under:

(a) Sections 536.25, 536.26, 536.27, 536.29, or 536.45.

(b) Regulations in Part 577 of this chapter or other regulations providing for medical care at Government expense.

§ 536.16 *Subrogation.* (a) A claim for a loss which was wholly compensated for by an insurer will be settled only with the insurer. A claim for a loss which was partially compensated for an insurer may be settled with the parties individually, as their respective interests appear, or jointly if the claim was so filed. When the settlement is joint, one check, payable to the subrogor and subrogee, for the amount approved will be sent to the subrogee. When the claims of the subrogor and of the subrogee, actual or potential, aggregate more than $1,000, settlement may not be made with either.

(b) An insured claimant will, in his claim or in an attached statement, make detailed disclosure concerning his insurance coverage, indicating:

(1) The insurer's name and address,

(2) The kind and amount of insurance,

(3) The insurance policy number,

(4) Whether a claim has been presented to the insurer and, if so, in what amount, and

(5) Whether the insurer has paid, or is expected to pay, the claim.

(c) Each claimant to whose interests another has become otherwise subrogated will furnish similar information as to the subrogee and the basis of his rights. The principles and requirements in paragraphs (a) and (b) of this section apply to any such case.

(d) Each insurer, or other subrogee, will substantiate his claim by appropriate documentary evidence that payment of the amount claimed, or larger amount, has been assumed for, or made to, or on behalf of, the insured, or subrogor.

§ 536.17 *When claim must be presented.* (a) A claim which accrued before March 29, 1955 may be settled under §§ 536.12–536.23 only if it was presented in writing within 1 year after it accrued.

(b) A claim accruing after March 28, 1955 may be settled under §§ 536.12–536.23 only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after that cause ceases to exist but not later than 2 years after the war or armed conflict is terminated.

(c) As used in this section, a war or armed conflict is one in which any Armed Force of the United States is engaged. The dates of commencement and termination of an armed conflict shall be as established by concurrent resolution of Congress or by determination of the President.

§ 536.18 *Procedure.* So far as not inconsistent with §§ 536.12–536.23, the procedure set forth in §§ 536.1–536.8 will be followed as to a claim under §§ 536.12–536.23. The procedure set forth in § 536.26 may be followed as to a claim under §§ 536.12–536.23 arising in a foreign country, although settlement is not authorized under 10 U. S. C. 2734, or the Foreign Claims Act, as amended, and § 536.26.

§ 536.19 *Determination of compensation for personal injury or death.* As to a claim for death or personal injury which arose before March 30, 1956, the allowable compensation is limited to reasonable medical, hospital, and burial expenses actually incurred. As to any claim, allowable compensation will not include reimbursement for medical or hospital services furnished at the expense of the United States nor the expense of burial otherwise paid by the United States.

§ 536.20 *Claimants excluded.* A national or an ally, or a corporation controlled by a national or an ally, of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country, is excluded as a claimant, unless the approving authority considering the claim or the local military commander shall determine that the claimant was at the time of the incident, and is, friendly to the United States. A prisoner of war or an interned enemy alien is not excluded as to a claim for damage to or loss or destruction of personal property in the custody of the Government otherwise payable under §§ 536.12–536.23.

§ 536.21 *Claims involving shipment of property.* A claim for damage to or loss of personal property shipped at Government expense by a person not military personnel, civilian employee, or dependent of either, which is not within § 536.27, may be settled under §§ 536.12–536.23. When it appears that the damage or loss has occurred under circumstances in which a carrier is responsible, claimant will comply with § 536.27 (h), which will apply.

§ 536.22 *Settlement agreement.* The claimant must submit a written acceptance in full satisfaction and final settlement of the amount approved for:

(a) Death or personal injury, even though equal to the amount claimed;

(b) Property damage or loss if less than the amount claimed;

(c) Property damage or loss equal to the amount claimed when personal injury or death resulted from the same incident, even though no claim has been filed for either.

§ 536.23 *Settlement of claim*—(a) *Authority.* A claim for not more than

$1,000 under §§ 536.12–536.23 may be settled subject to appeal to the Secretary of the Army, by:

(1) The commanding general of an army or comparable command (including the Military District of Washington, U. S. Army) within the United States, its Territories, possessions, and the Commonwealth of Puerto Rico, or his Staff Judge Advocate, or any officer assigned to a maneuver claims service designated by the commanding general, subject to such limitations as the commanding general may prescribe;

(2) The commanding officer of any post authorized to appoint general courts-martial, or his Staff Judge Advocate, subject to such limitation as the commanding general in subparagraph (1) of this paragraph may prescribe;

(3) The commanding officer of any other camp, post, or station, or unit, designated by the Secretary of the Army, within such monetary limits as may be prescribed;

(4) Any division engineer, Corps of Engineers, United States Army;

(5) Any foreign claims commission composed of three members. A foreign claims commission composed of one member may settle claims not over $500 (§ 536.26); or

(6) Any officer assigned to the Claims Division, Office of The Judge Advocate General, subject to such limitations as the Chief, Claims Division, may prescribe.

(b) *Effect of action.* The action of the approving authority in approving or disapproving a claim, in whole or in part, will be final and conclusive for all purposes unless the claimant appeals to the Secretary of the Army within the time prescribed in § 536.7, or such longer time as the Secretary may for good cause permit.

(c) *Acceptance of award.* The acceptance by the claimant of any award shall constitute a complete release of any claim against the United States and against the military personnel or civilian employees whose acts or omission gave rise to the claim.

[AR 25–25, Apr. 26, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply sec. 2733, 70A Stat. 153, as amended, 70 Stat. 60; 10 U. S. C. 2733)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–4210; Filed, May 23, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Parts 13, 21, 48, 51–53, 55–58, 61]

PROPOSED INCREASE IN CERTAIN POSTAL CHARGES

The amendments, set forth below, are proposed to be made by the Post Office Department to regulations contained in Chapter I of Title 39, Code of Federal Regulations. They make the following changes in existing regulations:

1. Part 13 increases from 25 cents to $1.00 the minimum charge for correcting mailing lists, and from 1 cent to 5 cents the charge for correcting lists of more than 20 names. The charge for postage to return the lists has been eliminated.

2. Part 21 increases the rates for business reply cards from 3 cents to 4 cents, and increases the per piece charge for mail enclosed in business reply envelopes from 1 cent to 2 cents. It also increases the additional per piece charge on business reply mail from 1 cent to 2 cents.

3. Part 48 increases from 3 cents to 5 cents the charge for notices on Form 3579 respecting undeliverable publications. It also increases from 3 cents to 5 cents the fee for each card notice on Form 3547 to senders of third or fourth class mail.

4. Part 51 increases from $1,000 per article to $10,000 per article the insurance coverage obtainable for registered mail. It increases the present fees for indemnity up to $1,000 on registered mail. Fees are prescribed for matter having a declared value in excess of $1,000. The fee for restricting delivery of registered mail and the return receipt fees are increased.

5. Part 52 increases the fees for insured mail; the fees for restricting delivery of insured mail; and the fees for return receipts for such mail.

6. Part 53 increases from 20 cents to 50 cents the fee for restricting delivery of collect-on-delivery mail.

7. Part 55 increases from 3 cents to 5 cents the fee for certificate of mailing for each piece of mail and from 1 cent to 2 cents the fee for each additional certificate of mailing for each piece of mail. It also increases the fees charged for certificates of mailing for identical pieces of first and third class mail.

8. Part 56 increases the special delivery fees for first class mail and for other classes of mail.

9. Part 57 increases the special handling fees.

10. Part 58 increases the fees for certified mail, return receipts, and the fee for restricting delivery of such mail. The inquiry fee for such mail has been eliminated. A fee has been established for obtaining a return receipt requested after mailing.

11. Part 61 increases the fees for domestic money orders. No change is made in the fees for international money orders.

The regulations relate to a proprietary function of the Government and are therefore exempt from the rule making requirements of section 1003 of Title 5, United States Code. However, it is the desire of the Postmaster General to voluntarily observe the rule making requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the Postal Service an opportunity to present written views concerning the proposed amendments. Such written views may be submitted to Edwin A. Riley, Director of Mail Classification Division, Bureau of Post Office Operations, Post Office Department, Washington 25, D. C., at any time prior to June 15, 1957.

PART 13—ADDRESSES

In § 13.5 *Correction of mailing lists* amend paragraph (d) to read as follows:

(d) *Charges.* The minimum charge for each list corrected is $1.00. For lists of more than 20 names or addresses, the charge is 5 cents per name or street address, including individual apartments. Payment must be made in advance by cash or money order. The lists are returned to the customers free of postage. Lists used by Members of Congress and Federal agencies are corrected without charge. Where rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 21—FIRST-CLASS

a. In § 21.1 *Rates* make the following changes:

1. In "Business reply cards" strike out "3 cents" and insert in lieu thereof "4 cents."

2. In "Mail enclosed in business reply envelopes" amend the rate information to read as follows: "3 cents per ounce plus 2 cents per piece, collected when delivered."

b. In § 21.2 *Classification* amend paragraph (c) (3), as follows: In the second sentence strike out "1 cent" and insert in lieu thereof "2 cents."

(R. S. 161, 396, as amended; sec. 2, 45 Stat. 940; 5 U. S. C. 22, 369, 39 U. S. C. 303)

PART 48—UNDELIVERABLE MAIL

a. In § 48.2 *Treatment by classes* make the following changes:

1. In paragraph (b) (1) amend the second sentence by striking out "3 cents" and inserting in lieu thereof "5 cents."

2. In paragraph (b) (2) amend the first sentence by striking out "3 cents" and by inserting in lieu thereof "5 cents."

b. In § 48.4 *Notice to sender on third- and fourth-class mail* amend paragraph (a) (3) to read as follows:

(3) Accept and pay the 5-cent fee for each card notice, or pay the return postage on mail sent back as undeliverable.

(R. S. 161, 396, as amended; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

PART 51—REGISTRY

a. In § 51.3 *Declaration by sender* amend the opening statement of paragraph (a) to read as follows:

(a) *Value.* You must tell the postal clerk the full value of articles that you register and you must pay the fee specified for such value which includes insurance coverage up to the limit of $10,000. You may use the following guides as aids in determining the full value:

b. In § 51.4 *Fees, surcharges, and return receipts* make the following changes: 1. Amend the section caption to read as follows: "§ 51.4 *Fees and return receipts.*"

2. Rescind paragraphs (a), (b), and (c), and insert in lieu thereof the following:

(a) *Registry fees (in addition to postage).*

Insurance coverage:	Registration Fee
Not to exceed $10.00	$0.50
$10.01 to $100	.75
$100.01 to $200	1.00
$200.01 to $400	1.25
$400.01 to $600	1.50
$600.01 to $800	1.75
$800.01 to $1,000	2.00
$1,000.01 to $2,000	2.25
$2,000.01 to $3,000	2.50
$3,000.01 to $4,000	2.75
$4,000.01 to $5,000	3.00
$5,000.01 to $6,000	3.25
$6,000.01 to $7,000	3.50
$7,000.01 to $8,000	3.75
$8,000.01 to $9,000	4.00
$9,000,01 to $10,000	4.25

Insurance coverage with the Postal Service is mandatory up to the first $1,000 of the declared value. All registration fees, including those for declared value up to $10,000, provide insurance coverage. Insurance coverage is optional for items having a declared value of $1,000.01 to $10,000. Insurance coverage is not provided above $10,000. Additional fees for protective handling are charged as follows on that part of the declared value which exceeds the amount of postal insurance:

15 cents on each $1,000 or fraction thereof for declared value between $1,000 and $1,000,000.

10 cents on each succeeding $1,000 or fraction thereof for declared value up to $15,000,000.

When the declared value exceeds $15,000,000, additional charges may be applied based on consideration of weight, space, and value of the shipments.

(b) *Fees for restricted delivery and return receipts (in addition to postage and registry fees).*

	Cents
Restricted delivery	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10
Showing to whom, when, and address where delivered	35
Requested after mailing:	
Showing to whom and when delivered	25

(c) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 50-cent fee or any of the higher fees.

(R. S. 161, 396, as amended; 3926, as amended; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f, 381)

PART 52—INSURANCE

Section 52.2 *Fees* is amended to read as follows:

§ 52.2 *Fees*—(a) *Fees (in addition to postage).*

Liability:	Fee
$0.01 to $10	$0.10
$10.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.40

Liability for insured mail is limited to $200.

(b) *Restricted delivery.*

(Not available for mail insured for $10)	$0.50

(c) *Return receipts.* (Not available for mail insured for $10):

(1) Requested at time of mailing:	
Showing to whom and when delivered	$0.10
Showing to whom, when, and address where delivered	.35
(2) Requested after mailing:	
Showing to whom and when delivered	$0.25

(R. S. 161, 396, as amended; sec. 8, 37 Stat. 558, as amended; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 244, 246f)

PART 53—C. O. D.

In § 53.2 *Fees (in addition to postage)* change the fees applicable to "Restricted delivery" from 20 cents to 50 cents, for both Registered and Unregistered matter.

(R. S. 161, 396, as amended; sec. 8, 37 Stat. 558, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 244, 246f)

PART 55—CERTIFICATES OF MAILING

Section 55.2 *Fees* is amended to read as follows:

§ 55.2 *Fees*—(a) *Individual pieces.*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail: 5 cents for each piece of mail described.	
Each additional copy of original certificate of mailing or original mailing receipt for registered, certified and c. o. d. mail: 2 cents for each piece of mail described.	

(b) *Identical pieces of first- and third-class mail.*

Up to 1,000 pieces (1 certificate for total number)	$0.25
For each additional 1,000 pieces, or fraction	.05
Duplicate copy	.05

(R. S. 161, 396, as amended; 46 Stat. 1035; 5 U. S. C. 22, 369; 39 U. S. C. 260a)

PART 56—SPECIAL DELIVERY

In § 56.2 *Payment for special delivery* amend paragraph (a) to read as follows:

(a) *Special-delivery fees.*

Class of mail	Weight: Not more than 2 pounds	Weight: More than 2 pounds but not more than 10 pounds	Weight: More than 10 pounds
	Cents	Cents	Cents
First class and airmail (including air parcel post)	30	45	60
All other classes	45	55	70

(R. S. 161, 396, as amended; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f).

PART 57—SPECIAL HANDLING

Section 57.2 *Special-handling fees* is amended to read as follows:

§ 57.2 *Special-handling fees.*

Weight:	Fee (cents)
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

The special-handling fee is in addition to regular fourth-class postage, and may be prepaid by special-handling stamps, by ordinary postage stamps, or by meter stamps.

(R. S. 161, 396, as amended; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

PART 58—CERTIFIED MAIL

Section 58.3 *Fees* is amended to read as follows:

§ 58.3 *Fees.*

	Cents
Fee in addition to postage	20
Restricted delivery	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10
Showing to whom, when, and address where delivered	35
Requested after mailing:	
Showing to whom and when delivered	25

(R. S. 161, 388, 396, as amended; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 361, 369, 39 U. S. C. 246f)

PART 61—MONEY ORDERS

In § 61.1 *How to buy a domestic money order* amend paragraph (b) to read as follows:

(b) *Money order fees.*

Amount of money order	Amount of fee: Domestic	Amount of fee: International
$0.01 to $5	$0.15	$0.20
$5.01 to $10	.20	.30
$10.01 to $50	.30	.50
$50.01 to $100	.40	.70

(R. S. 161, 396, as amended, 398, as amended 4027; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 372, 39 U. S. C. 246f, 711)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-4259; Filed, May 23, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42]

[Draft Release No. 57-10]

APPLICATION OF TRANSPORT CATEGORY REQUIREMENTS TO C-46 TYPE AIRPLANES

NOTICE OF MEETING

On June 30, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR-406, effective July 1, 1954, which provided a basis for the modification and operation of C-46 type airplanes

in passenger service. In effect, SR–406 required by April 1, 1956, all C–46 airplanes used in passenger service to be recertificated in accordance with the transport category requirements and to be operated in accordance with the performance operating limitations applicable to transport category airplanes. Pending the necessary modifications, C–46 airplanes used in passenger service are required to operate at a lower maximum take-off weight. Subsequent to SR–406 the Board promulgated a series of special regulations postponing the final date for compliance with provisions of that special regulation. In SR–406B, the compliance date for modification was set ahead from April 1, 1956, to July 1, 1956, and in SR–406C the compliance date was set ahead to December 31, 1956. In promulgating SR–406, the Board was most anxious to have the operators complete the necessary modifications on their C–46 airplanes used in passenger service at the earliest possible time. However, modification programs have been subject to numerous delays and the Board's expectation has not been realized. It appears that these delays have been caused mainly by the operators' inability to execute effectively the various phases of the programs.

In December 1956, the Board considered it advisable not to promulgate regulations to extend the compliance date of SR–406C; instead, it delegated authority to the Bureau of Safety to consider the issuance of waivers to individual operators on the basis of realistic schedules for completing the necessary modifications. The Bureau has issued such waivers to eligible operators on the basis of allegedly realistic schedules submitted by the various holders of type and supplemental certificates for the C–46 modifications. Several weeks ago these holders assured the Bureau that their schedules would be met; however, more recent information indicates that certain C–46 operators are confronted with the prospects of not meeting the deadline dates established in the Bureau's waiver letters, and are thus faced with the possibility that their C–46 airplanes might become ineligible for passenger service. On the other hand, certain operators have made a sufficiently effective effort to meet the latest deadline dates and are not faced with any operational or economic problems.

The Board did not contemplate any further extension of the compliance dates beyond those established for a particular operator by the Bureau's waiver letters and on the basis of information presently available the Bureau cannot find sufficient justification to recommend to the Board additional extensions.

In view of the foregoing, the Bureau considers that a public discussion would be of constructive assistance to a better understanding of the underlying difficulties which some operators allege will prevent them from completing modification of their C–46 aircraft by the date for compliance specified in their respective waivers. From the views and recommendations expressed by interested persons, the Board will determine the course of action to be taken in the interest of safety with respect to this matter.

Accordingly, pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety notice is hereby given that a meeting is scheduled to be held on June 7, 1957, in Conference Room "B" of the Departmental Auditorium in Washington, D. C., on Constitution Avenue between 12th and 14th Streets. The meeting is scheduled to convene at 9:30 a. m.

It is requested that persons who expect to attend this meeting advise the Bureau accordingly. Persons who are unable, or who do not wish to attend the meeting are requested to submit their views and recommendations in writing to the Bureau of Safety, Civil Aeronautics Board, Washington 25, D. C. In order that such comments may be given proper consideration, they should be submitted in duplicate not later than June 7, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., May 17, 1957.

[SEAL] OSCAR BAKKE,
Director,
Bureau of Safety.

[F. R. Doc. 57–4235; Filed, May 23, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 73, 77, 78]

[Docket No. 3668; Notice 31]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

MAY 7, 1957.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments and the reasons therefor are listed below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before June 10, 1957. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(62 Stat. 738, 18 U. S. C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

In § 73.31 amend paragraph (a) table; add Note 12 to paragraph (a) table; amend paragraph (g) (9) and table 1 thereto; amend paragraph (h) (22 F. R. 2224, 2225, April 4, 1957) (21 F. R. 4562, 4663, June 26, 1956) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) • • •

Where these regulations call for specification Nos.—	These specification containers may also be used subject to the provisions of the following notes—
103 [4, 5, 9, 11] and 103–W [4, 5, 9, 11]	ARA–II [1, 4, 5, 11], III [4, 5, 9, 11] and IV.[5, 9]
103A [4, 11] and 103A–W [4, 11]	ARA–II [2, 4, 11] and III.[2, 4, 11]
103B [4, 11] and 103B–W [4, 11]	ARA–II [4, 11] and III [4, 11] rubber lined.
103C–W [12]	103C.[9, 12]
103D–W, 103E–W, 103A–N–W	(See note 10).
104 [4, 9, 11] and 104–W [4, 9, 11]	ARA–IV.[4, 9, 11]
105A100 and 105A100–W	104A [7] and 104A–W.[7]
105A100–AL–W	104A–AL–W.[7]
105A300–W	ARA–V [3], ICC–105 [3] and 105A300.[3]
105A400–W	105A400.
105A500–W	105A500.
105A600–W	105A600.
106A500 and 106A500–X	ICC–27 tanks mounted on a car and classified as multi-unit tank prior to Oct. 1, 1930.[6]
106A800 and 106A800–X	None.
106A800NCI	None.
107A***	None.

• • • • • •

[12] 103C, 103C–W and 103A–AL–W (§§ 78.283 and 78.292 of this chapter) tank cars built prior to August 31, 1956 equipped with a safety valve having a pressure setting of 45 psi. may be used. Cars equipped with 45 psi. safety valves may be continued in service but these valves may be reset to 35 psi. by changing the spring to a design suitable for the decreased pressure setting.

• • • • • •

(g) • • •

(9) Periodic retests of metal tanks, safety valves and interior heater systems, except cars in chlorine service and tanks to specifications ICC–106A500, 106A500X, 106A800, 106A800X, 106A800NCI, 107A • • • or 110A500–W, may be made at any time during the calendar year the retest falls due, as follows:

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests				Safety valve retest years	Interior heater systems retest				Tank test psi	Safety valve psi [a]	Safety valve vapor tight psi minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	10–22 years	Over 10 years	Over 22 years		Up to 10 years	10–22 years	Over 10 years	Over 22 years					
ICC–103		10		10		10	10		10		60	*35	28	10	10
ICC–103A	(d)	5	3		1	None	5	3		1	60			10	20
ICC–103B	(f)	None	None		None	None	5	3		1	60				
ICC–103C	(e d)	5	3		1	(e)	5	3		1	60	e *45		10	20
ICC–104		10		10		10	10		10		60	*35	28	10	20
ICC–105	(e)	10		10		5					500	225	180	30	20
ICC–105A100		10		10		5					100	75	60	10	20
ICC–105A300	(a)	10		10		5					300	225	180	30	20
ICC–105A400	(a)	10		10		5					400	300	240	30	20
ICC–105A500	(b a)	10		10		5					500	375	300	30	20
ICC–105A600	(b a)	10		10		5					600	450	360	30	20
ICC–103–W		10		10		10	10		10		60	*35	28	10	20
ICC–103A–W	(d)	5	3		1	None	5	3		1	60			10	20
ICC–103B–W	(f)	None	None		None	None	5	3		1	60				
ICC–103B100–W	(f)	None		None		5					100	75	60	10	20
ICC–103C–W	(e d)	5	3		1	(e)	5	3		1	60	e 35	28	10	20
ICC–103D–W	(e d)	5	3		1	(e)	5	3		1	60	35	28	10	20
ICC–103E–W	(e d)	5	3		1	(e)	5	3		1	60	35	28	10	20
ICC–103A–N–W	(e d)	5	3		1	None	5	3		1	60			10	20
ICC–103AL–W		10		10		10	10		10		60	*35	28	10	20
ICC–103A–AL–W	(e d)	5	3		1	(e)	5	3		1	60	e 35	28	10	20
ICC–104–W		10		10		10	10		10		60	*35	28	10	20
ICC–105A100–AL–W		10		10		5	10		10		100	75	60	10	20
ICC–105A200–AL–W		10		10		5					200	150	120	10	20
ICC–105A300–AL–W		10		10		5					300	225	180	30	20
ICC–105A100–W		10		10		5	10		10		100	75	60	10	20
ICC–105A200–W		10		10		5					200	150	120	10	20
ICC–105A300–W	(a)	10		10		5					300	225	180	30	20
ICC–105A400–W	(a)	10		10		5					400	300	240	30	20
ICC–105A500–W	(b a)	10		10		5					500	375	300	30	20
ICC–105A600–W	(b a)	10		10		5					600	450	360	30	20
ICC–109A100–AL–W		10		10		5	10		10		100	75	60	10	20
ICC–109A300–AL–W		10		10		5					300	225	180	10	20
ICC–109A300–W		10		10		5					300	225	180	30	20
ICC–103AL		10	5			(e)					60	*35	28	10	20
ICC–103C–AL		4	4	2	1	(e)					60	*60		10	20
ICC–111A100–W–1		10		10		10	10		10		100	75	60	10	20
ICC–111A100–W–2		5	3		1	None	5	3		1	100			10	20
ICC–111A100–W–3		10		10		10	10		10		100	75	60	10	20
ICC–111A100–W–4		10		10		5	10		10		100	75	60	10	20
ICC–112A400–W		10		10		5					400	300	240	10	
Emergency USG–A, B, and C											60	*25		10	20

[a] Tanks and safety valves in chlorine service must be retested every 2 years. See 73.314 (a) note 18.
[b] Special requirements for carbon dioxide—valves must be retested at pressure required for new construction.
[c] Safety valves indicated with * are set at specified pressure plus or minus 3 psi. All other valves must be open at a pressure not exceeding that specified.
[d] A commodity for which a tank is approved may be used for filling tank and dome when retesting tanks in service not over 10 years.
[e] Safety valve retest period is same as tank retest period.
[f] Tanks must be retested before rubber lining is renewed or before being returned to service after any repairs requiring welding, riveting or calking of rivets.
[g] See § 73.31 (a) note 12.

* * * * *

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. If proposed to be used for a commodity service other than those authorized, they must be approved for such service by the Association of American Railroads Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Class ICC–105A type tank cars may be used for any commodity for which they are authorized by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

[Note 1 remains the same.]

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

In § 73.93 amend paragraph (d) (4) (17 F. R. 1560, Feb. 20, 1952) to read as follows:

§ 73.93 *Propellant explosives for cannon, small-arms, rockets, guided missiles, or other devices.* * * *

(d) * * *

(4) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280 or 78.303 of this chapter). Tank cars.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.119 amend paragraphs (a) (12), (e) (2) and (f) (3) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) * * *

(12) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–1, 111A100–W–3, 111A100–W–4, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.294, 78.286, 78.307, 78.308, 78.297, 78.287, 78.288, 78.289, 78.300, 78.303, 78.305 or 78.306 of this chapter). Tank cars. For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

* * * * *

(e) * * *

(2) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–1, 111A100–W–3, 111A100–W–4, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284, 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.287, 78.288, 78.289, 78.300, 78.303, 78.305 or 78.306 of this chapter). Tank cars. Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in (f) (4), (g), (h) and (h) (1) of this section. (See Note 1 of paragraph (f) (3) of this section.)

* * * * *

(f) * * *

(3) Spec. 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–4, or ARA–IV–A[2] (§§ 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.306 of this chapter) (See Note 1 of this subparagraph). Tank cars. Spec. 104, 104–W and ARA–IV[2] (§§ 78.269, 78.284 of this chapter) tank cars are authorized under the conditions prescribed in paragraphs (f) (4), (g), (h) and (h) (1) of this section and Note 3 of this subparagraph.

[No change in notes.]

2. In § 73.123 amend paragraph (a) (5) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.123 *Ethyl chloride.* (a) * * *

(5) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W,

105A500–W, 105A600–W, 111A100–W–4, or ARA–IV–A[1] (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, or 78.306 of this chapter). Tank cars. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

3. In § 73.124 amend paragraph (a) (5) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.124 *Ethylene oxide.* (a) * * *

(5) Spec. 105A100, 105A100–W, 111A100–W–4, or ARA–IV–A[1] (§§ 78.270, 78.285, or 78.306 of this chapter). Tank cars. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

[Note 1 remains the same.]

4. In § 73.135 amend paragraph (a) (7) and (8) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) * * *

(7) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars, without bottom discharge outlet.

(8) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.307, 78.286, or 78.306 of this chapter). Tank cars.

5. In § 73.136 amend paragraph (a) (6) and (7) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.136 *Methyl dichlorosilane and trichlorosilane.* (a) * * *

(6) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars, without bottom discharge outlet.

(7) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.286, 78.307, 78.306 of this chapter). Tank cars.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.163 amend paragraph (a) (6) (16 F. R. 9374, Sept. 15, 1951) to read as follows:

§ 73.163 *Chlorate of soda, chlorate of potash, and other chlorates.* (a) * * *

(6) Chlorates wet with 10 percent or more of water are authorized for shipment in tank cars, spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter), when equally distributed therein.

2. In § 73.190 amend paragraph (b) (3) (21 F. R. 671, Jan. 31, 1956) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* * * *

(b) * * *

(3) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars without bottom outlet for discharge of lading and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F. and then cooled until the water has a temperature not exceeding 105° F. before car is offered to carrier. The water must be loaded in the dome to not more than 50 percent of the capacity of the dome. After unloading, the tank must be filled to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not less than 105° F. and not over 140° F. and placarded with the caution placard prescribed in § 74.555 of this chapter, before the car is offered for return movement.

[Note 1 remains the same].

3. In § 73.224 amend paragraph (a) (3) (20 F. R. 4416, June 23, 1955) to read as follows:

§ 73.224 *Cumene hydroperoxide, dicumyl peroxide, and tertiary butylisopropyl benzene hydroperoxide.* (a) * * *

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Authorized for 90 percent or less cumene hydroperoxide in nonvolatile solution.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.247 amend paragraph (a) (6), (13), and (17) (22 F. R. 2226, Apr. 4, 1957) (21 F. R. 4564, June 26, 1956) (21 F. R. 3010, May 5, 1956) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) * * *

(6) Spec. 103A, 103A–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–2 (§§ 78.266, 78.281, 78.286, 78.287, 78.288, 78.289, or 78.304 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A-300–W, 105A400–W, 105A500–W, or 105A-600–W tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

* * * * *

(13) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter) tank cars. Tank cars, nickel clad at least 10 percent, authorized for stabilized benzyl chloride only. Acetyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride when shipped in unstabilized condition, must be anhydrous and free from impurities such as iron.

* * * * *

(17) Spec. 103–W or 111A100–W–1 (§§ 78.280 or 78.303 of this chapter), tank cars authorized for titanium tetrachloride, anhydrous only. Tank cars shall have no bottom outlets and shall have safety valves of approved type with start-to-discharge pressure of 35 pounds per square inch and of sufficient relieving capacity to prevent pressure build-up in excess of 45 pounds per square inch.

2. In § 73.248 amend paragraph (a) (4), and (5) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.248 *Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.* (a) * * *

(4) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome or manway.

(5) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter), Tank cars, provided the product is too viscous to be unloaded through the dome or manway.

3. In § 73.249 amend paragraph (a) (5) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) * * *

(5) Spec. 103, 103–W, 103A, 103A–W, 104, 104–W, 105A100, 105A100–W, 111A-100–W–1, 111A100–W–2, 111A100–W–3, or 111A100–W–4 (§§ 78.265, 78.280, 78.266, 78.281, 78.269, 78.284, 78.270, 78.285, 78.303, 78.304, 78.305, or 78.306 of this chapter). Tank cars.

4. In § 73.254 amend paragraph (a) (4) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.254 *Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.* (a) * * *

(4) Spec. 103A, 103A–W, 103C–W, 103E–W, or 111A100–W–2 (§§ 78.266, 78.281, 78.283, 78.298, or 78.304 of this chapter). Tank cars.

5. In § 73.255 amend paragraph (a) (4) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.255 *Dimethyl sulfate.* (a) * * *

(4) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars.

6. In § 73.264 amend paragraph (a) (8) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) * * *

(8) Spec. 103A, 103A–W, 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–2, 111A100–W–4, or ARA–IV[1] (§§ 78.266, 78.281, 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.304, 78.306 of this chapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to subparagraph (7) of this paragraph). Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

[Note 1 remains the same.]

7. In § 73.267 amend paragraph (a) (3) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.267 *Mixed acid (nitric and sulfuric acid) (nitrating acid).* (a) * * *

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. (See paragraph (b) of this section.)

8. In § 73.271 amend paragraph (a) (7) and (9) (21 F. R. 4565, June 26, 1956) (18 F. R. 804, Feb. 7, 1953) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) * * *

(7) Spec. 103A, 103A–W, 103A–N–W, or 111A100–W–2 (§§ 78.266, 78.281, 78.299 or 78.304 of this chapter). Tank cars, when the tanks of these cars are lead-lined or the tanks are made of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent.

* * * * *

(9) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281 or 78.304 of this chapter). Tank cars. Spec. 103A tanks must be of steel at least 10 percent nickel clad and spec. 103A–W and 111A100–W–2 tanks must be of steel at least 20 percent nickel clad.

9. In § 73.272 amend paragraph (h) (3) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.272 *Sulfuric acid.* * * *

(h) * * *

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Sulfuric acid, except oleum, mixed acid (nitric and sulfuric) (nitrating acid), and other fuming acids, may be transported in 103A, 103A–W and 111A100–W–2 tank cars having safety vents equipped with lead discs having a ⅛ inch breather hole in the center thereof.

10. In § 73.273 amend paragraph (a) (4) (18 F. R. 5272, Sept. 1, 1953) to read as follows:

§ 73.273 *Sulfur trioxide, stabilized.* (a) * * *

(4) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Authorized only for stabilized sulfur trioxide. Cars equipped with interior heater coils not permitted.

11. In § 73.274 amend paragraph (a) (3) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.274 *Fluosulfonic acid.* (a) * * *

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars.

12. In § 73.280 amend paragraph (a) (7) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.280 *Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.* (a) * * *

(7) Spec. 103–W, 103A, 103A–W, 105A–100, 105A100–W, 111A100–W–1, 111A100–W–2, or 111A100–W–4 (§§ 78.280, 78.266, 78.281, 78.270, 78.285, 78.303, 78.304, or 78.306 of this chapter). Tank cars.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

In § 73.314 amend paragraph (a) table; amend Notes 2, 11, and 12 to paragraph (a) table; amend paragraph (b) (22 F. R. 2227, 2228, Apr. 4, 1957) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(*Change*)	*Percent*	
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited.	Notes 3 and 6	ICC–106A500, 106A500X. ICC–105A100, 105A100–W, 111A100–W–4, Note 9.
Crude nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X. ICC–105A300–W, Note 5.
Crude nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A100–AL–W, 109A100–AL–W, Note 5.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–106A500, 106A500X, 110A–500–W, Note 12. ICC–105A300–W.
Difluoroethane	79	ICC–106A500, 106A500X, 110A–500–W, Notes 12, 19.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–106A500, 106A500X. ICC–105A300–W, Note 5.
Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A100–AL–W, 109A100–AL–W, Note 5.
Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A200–AL–W, Note 5.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–105A100, 105A100–W, 111A100–W–4, Note 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC–105A100, 105A100–W, 111A100–W–4, Note 9.
Liquefied petroleum gas (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 3	ICC–105A200–W, Note 9.
Nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X. ICC–105A300–W, Note 5.
Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A100–AL–W, 109A100–AL–W, Note 5.
Sulfur dioxide	125	ICC–106A500, 106A500X, 110A500–W, Note 12. ICC–105A200–W.
Trifluorochloroethylene	115	ICC–106A500, 106A500X, 110A500–W, Note 12.
	120	ICC–105A300–W, Note 9.
Vinyl chloride, inhibited (see Note 14)	84	ICC–106A500, 106A500X, Note 12.
	87	ICC–105A200–W, Note 9.

* * * * * * * * *

NOTE 2: Unless otherwise specifically provided, when class 105A–W, 105A–AL–W, 106A500, or 106A500X tank cars are prescribed, the same class tank cars having higher marked test pressures than those prescribed may also be used.

* * * * * * * * *

NOTE 11: Before an ICC–105A500–W or ICC–105A600–W (§§ 78.288 or 78.289 of this chapter) tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sills may be reduced to give thermal conductance not exceeding 0.04 B. t. u. per square foot, per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven (7) inches from top of center sills to bottom of tank. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourth of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Tanks must be equipped with two (2) pressure-regulating valves of approved design, set to open at a pressure not to exceed 350 pounds per square inch on 105A500–W (§ 78.288 of this chapter) tanks and at a pressure not to exceed 400 pounds per square inch on 105A600–W (§ 78.289 of this chapter) tanks. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane - monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture; dichlorodifluoromethane - monochlorodifluoromethane mixture, or dichlorodifluoromethane-trichloromonofluoromethane - monochlorodifluoromethane mixture; tanks complying with specification 110A500–W (§ 78.293 of this chapter), containing dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), trifluorochloroethylene, dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 105A100, 105A100–W, 105A100–AL–W, 105A200–W, 105A200–AL–W, 105A300–W,

105A300–AL–W, 105A400–W, 105A500–W, 105A600–W, 109A300–W, 109A100–AL–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.301, 78.302, or 78.306 of this chapter) and at 130° F. in any unlagged tank of tank cars of specs. 106A500, 106A500X, 106A800, 106A800X, or 110A500–W (§§ 78.275, 78.276, or 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§ 78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

[No change in Note 1.]

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.346 amend paragraph (a) (10) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) * * *

(10) Spec. 103, 103–W, 103A, 103A–W, 104, 104–W, 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–1; 111A100–W–2, 111A100–W–3, 111A100–W–4 (§§ 78.265, 78.280, 78.266, 78.281, 78.269, 78.284, 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.303, 78.304, 78.305, 78.306 of this chapter), or ARA–IV–A.[1] Tank cars.

2. § 73.347 amend paragraph (a) (2) (16 F. R. 9378, Sept. 15, 1951) to read as follows:

§ 73.347 *Aniline oil.* (a) * * *

(2) Spec. 103, 103–W, 103A, 103A–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.266, 78.281, 78.303, or 78.304 of this chapter). Tank cars.

3. In § 78.352 amend paragraph (a) (4) (16 F. R. 9378, Sept. 15, 1951) to read as follows:

§ 73.352 *Liquid sodium or potassium cyanide.* (a) * * *

(4) Spec. 103, 103–W, 103A, 103A–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.266, 78.281, 78.303, or 78.304 of this chapter). Tank cars.

4. In § 73.353 amend paragraphs (a) (5) and (b) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.353 *Methyl bromide.* (a) * * *

(5) Spec. 105A100, 105A100–W, 105A200–W 105A300–W, 105A400–W, 105A500–W, 105A600–W, 106A500, 106A500X, 106A800, or 111A100–W–4 (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.275, 78.276, or 78.306 of this chapter). Tank cars.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, or 78.306 of this chapter) at 105° F.; spec. 106A500, 106A500X, 106A800, or 106A800X (§§ 78.275, 78.276 of this chapter) at 130° F.

5. In § 73.365 amend paragraph (a) (13) (16 F. R. 9379, Sept. 15, 1951) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) * * *

(13) Spec. 103, 103–W, 103A, 103A–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.266, 78.281, 78.303, or 78.304 of this chapter). Tank cars.

6. In § 73.369 amend paragraph (a) (13) (16 F. R. 9379, Sept. 15, 1951) to read as follows:

§ 73.369 *Carbolic acid (phenol), not liquid.* (a) * * *

(13) Spec. 103, 103–W, 103–AL–W, 103A, 103A–W, 103A–AL–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.291, 78.266, 78.281, 78.292, 78.303, or 78.304 of this chapter). Tank cars.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART B—LOADING AND UNLOADING

In § 77.840 amend paragraph (c) (22 F. R. 2229, Apr. 4, 1957) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, or dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture; tanks complying with specification 110A500–W (§78.293 of this chapter), containing dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), trifluorochloroethylene, dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane- monochlorodifluoromethane mixture, dichlorodifluoromethane - trichloromonofluoromethane-monochlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.265–2 amend paragraph (a); in § 78.265–5 amend paragraph (a), and cancel paragraph (e); in § 78.265–7 amend paragraph (b); in § 78.265–14 amend paragraph (b) and (c), and cancel paragraph (d) (21 F. R. 4567, 4568, June 26, 1956) (21 F. R. 9364, Nov. 30, 1956) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.265–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.265–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety valve flange and bottom outlet nozzle flange may be single or double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of 2 liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between 2 rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.265–4 (a) (1), (b), and (c). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.265–4 (a) (1), (b), and (c). Use of rivets of less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

§ 78.265–14 *Safety valves.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.265–19 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) [Canceled.]

2. In § 78.266–2 amend paragraph (a); in § 78.266–5 amend paragraph (a), and cancel paragraph (e); in § 78.266–7 amend paragraph (b); in § 78.266–10 amend paragraph (b) (21 F. R. 4569, 4570, June 26, 1956) to read as follows:

§ 78.266 *Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.266–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.266–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.266–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety vent flange and bottom washout nozzle flange may be single or double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed one inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.266–4 (a) (1), (b), and (c). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.266–4 (a) (1), (b), and (c). Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

§ 78.266–10 *Expansion dome.* * * *

(b) The opening in manway ring must be 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples extending inside the tank at least 1 inch and the joint between the base of the dome and the tank shell must be sealed on the inside in an approved manner.

3. In § 78.267–2 amend paragraph (a); in § 78.267–5 amend paragraph (a); in § 78.267–7 amend paragraph (b) (21 F. R. 4571, 4572, June 26, 1956) to read as follows:

§ 78.267 *Specification ICC–103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.*

§ 78.267–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.267–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification.

§ 78.267–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety vent flange and sump flange may be single or double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while car is being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.267–4 (a) (1) and (b). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.267–4 (a) (1) and (b). Use of rivets less than ⅝ inch nominal diameter not permissible on any part of the tank or attachments. All rivet heads on the inside of tank must be of uniform size, button head or similar shape, and the under surface of the heads must be driven tight against shell.

4. In § 78.269–5 amend paragraph (a), and cancel paragraph (e); in § 78.269–7 amend paragraph (b); in § 78.269–14 amend paragraphs (b), (c), and cancel paragraph (d) (21 F. R. 4574, 4575, June 26, 1956) to read as follows:

§ 78.269 *Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.269–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.269–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety valve flange and bottom outlet nozzle flange may be double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.269–4 (a) (1), (b) and (c). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.269–4 (a) (1), (b) and (c). Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

§ 78.269–14 *Safety valves.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.269–19 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) [Canceled.]

5. In § 78.270–6 amend paragraph (a), and cancel paragraph (e); in § 78.270–8 amend paragraph (b); in § 78.270–13 amend paragraphs (a) and (b); in § 78.270–18 amend paragraph (a) (21

F. R. 4577, 4578 June 26, 1956) to read as follows:

§ 78.270 *Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.270–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.270–8 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and the attachment of manway nozzle to tank must be double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material. The efficiency of the double-riveted seams must be at least 60 percent of the strength of the thinnest plate.

§ 78.270–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.270–18 (a).)

§ 78.270–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.270–13 (b) with a tolerance of plus or minus 3 pounds.

6. In § 78.280–2 amend paragraph (a); in § 78.280–5 amend paragraph (a), and cancel paragraph (e); in § 78.280–9 amend paragraph (a); in § 78.280–16 amend paragraphs (b), (c), and (d), and cancel paragraph (e); in § 78.280–22 amend paragraph (a) (1) (21 F. R. 4585, 4586, 4587, and 4588, June 26, 1956) to read as follows:

§ 78.280 *Specification ICC–103–W; fusion-welded steel tank to be mounted on or forming part of a car.*

§ 78.280–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.280–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.280–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.280–16 *Safety valves.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.280–21 (a).)

NOTE 1: Tank cars built prior to June 30, 1957, may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

§ 78.280–22 *Marking.* (a) * * *

(1) ICC–103–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

7. In § 78.281–2 amend paragraph (a); in § 78.281–5 amend paragraph (a), and cancel paragraph (e); in § 78.281–9 amend paragraph (a); in § 78.281–21 amend paragraph (a) (1) (21 F. R. 4588 to 4590, June 26, 1956) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.281–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.281–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.281–21 *Marking.* (a) * * *

(1) ICC–103A–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103A–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

8. In § 78.282–2 amend paragraph (a); in § 78.282–5 amend paragraph (a); in § 78.282–9 amend paragraph (a); in § 78.282–20 amend paragraph (a) (1) (21 F. R. 4590 to 4592, June 26, 1956) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.282–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.282–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent.

§ 78.282–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.282–20 *Marking.* (a) * * *

(1) ICC–103B–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103B–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

9. In § 78.283–2 amend paragraph (a); in § 78.283–9 amend paragraph (a); in

§ 78.283–13 amend paragraphs (a) and (b); in § 78.283–15 amend paragraph (c) (21 F. R. 4593, 4594, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.283–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.283–5 (a) (1). (See A. A. R. Appendix W.)

§ 78.283–13 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) When installed these devices must be of approved design, made of material complying with the current requirements of § 78.283–5 (a), and must be tightly closed. Protective housing of approved design covering all these devices must be installed. Unloading pipe must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents these valves shall be of approved design. Provision must be made for closing pipe connections of valves.

§ 78.283–15 *Safety valves.* • • •

(c) The safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.283–20 (a).)

10. In § 78.284–5 amend paragraph (a), and cancel paragraph (e); in § 78.284–9 amend paragraph (a); in § 78.284–16 amend paragraphs (b), (c), (d) and cancel paragraph (e); in § 78.284–22 amend paragraph (a) (1) (21 F. R. 4594 to 4597, June 26, 1956) to read as follows:

§ 78.284 *Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.284–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

• • • • •

(e) [Canceled.]

§ 78.284–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.284–16 *Safety valves.* • • •

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.284–21 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closures must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled].

§ 78.284–22 *Marking.* (a) • • •

(1) ICC–104–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–104–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

11. In § 78.285–3 amend paragraph (a); in § 78.285–4 amend paragraph (a); in § 78.285–6 amend paragraph (a), and cancel paragraph (d); in § 78.285–9 amend paragraph (a); in § 78.285–13 amend paragraphs (a) and (b); in § 78.285–17 amend paragraph (a); in § 78.285–18 amend paragraph (a) (1) (21 F. R. 4597, 4598, June 26, 1956) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.285–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.285–5 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

§ 78.285–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

• • • • •

(d) [Canceled.]

§ 78.285–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.285–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.285–17 (a).)

§ 78.285–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.285–13 (b) with a tolerance of plus or minus 3 pounds.

§ 78.285–18 *Marking.* (a) • • •

(1) ICC–105A100–W in letters and figures at least ⅜ inches high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–105A300–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

12. In § 78.286–4 amend paragraph (b); in § 78.286–6 amend paragraph (a), and cancel paragraph (d); in § 78.286–9 amend paragraph (a); in § 78.286–13 amend paragraphs (a) and (b); in § 78.286–17 amend paragraph (a); in § 78.286–18 amend paragraph (a) (1) (21 F. R. 4599, 4600, June 26, 1956) to read as follows:

§ 78.286 *Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.286–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be 11/16 inch, except when steel of 65,000 psi. minimum tensile strength is

used, the minimum thickness of plates may be 5/8 inch.

§ 78.286–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other materials, such as nickel.

* * * * *

(d) [Canceled.]

§ 78.286–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W).

§ 78.286–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch. (For tolerance see § 78.286–17 (a).)

§ 78.286–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.286–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.286–18 *Marking.* (a) * * *

(1) ICC–105A300–W in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least 3/8 inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A300–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

13. In § 78.287–4 amend paragraph (b); in § 78.287–6 amend paragraph (a), and cancel paragraph (d); in § 78.287–9 amend paragraph (a); in § 78.287–13 amend paragraphs (a) and (b); in § 78.287–17 amend paragraph (a); in § 78.287–18 amend paragraph (a) (1) (21 F. R. 4601, 4602, June 26, 1956) to read as follows:

§ 78.287 Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.287–4 *Thickness of plates.* * * *

(b) The minimum thickness of plates must be 11/16 inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be 5/8 inch.

§ 78.287–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other materials, such as nickel.

* * * * *

(d) [Canceled.]

§ 78.287–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.287–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 330 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 300 pounds per square inch. (For tolerance see § 78.287–17 (a).)

§ 78.287–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 300 pounds per square inch and be vapor tight at 240 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.287–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.287–18 *Marking.* (a) * * *

(1) ICC–105A400–W in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least 3/8 inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A400–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

14. In § 78.288–4 amend paragraphs (a) and (b); in § 78.288–6 amend paragraph (a), and cancel paragraph (e); in § 78.288–9 amend paragraph (a); in § 78.288–13 amend paragraphs (a), (b), and (c); in § 78.288–17 amend paragraph (a); in § 78.288–18 amend paragraph (a) (1) (21 F. R. 4602, 4603, June 26, 1956) (22 F. R. 2235, April 4, 1957) to read as follows:

§ 78.288 *Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.288–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.288–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be 11/16 inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be 5/8 inch.

§ 72.288–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.288–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.288–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 412.5 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 375 pounds per square inch. (For tolerance see § 78.288–17 (a).)

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 375 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 412.5 pounds per square inch. Tanks must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 350 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.288–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closures or other combination. The valve must start to discharge at the pressure prescribed in §78.288–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.288–18 *Marking.* (a) * * *

(1) ICC–105A500–W in letters and figures at least 3/8 inch high stamped

plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, or ASTM A–300, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A500–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

15. In § 78.289–4 amend paragraphs (a) and (b); in § 78.289–6 amend paragraph (a), and cancel paragraph (e); in § 78.289–9 amend paragraph (a); in § 78.289–13 amend paragraphs (a), (b) and (c); in § 78.289–17 amend paragraph (a); in § 78.289–18 amend paragraph (a) (1) (21 F. R. 4604, 4605, June 26, 1956) (22 F. R. 2235, Apr. 4, 1957) to read as follows:

§ 78.289 *Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.289–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.289–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be 1/16 inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be ⅝ inch.

§ 78.289–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§78.289–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.289–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 450 pounds per square inch. (For tolerance see § 78.289–17 (a).)

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge pressure of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch. Tank must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 400 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.289–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 450 pounds per square inch and be vapor tight at 360 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.289–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.289–18 *Marking.* (a) * * *

(1) ICC–105A600–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B, or ASTM A–300 steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A600–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

16. In § 78.291–2 amend paragraph (a); amend entire § 78.291–4; in § 78.291–15 amend paragraphs (b), (c), (d), and cancel paragraph (e) (21 F. R. 4606, 4607, June 26, 1956) to read as follows:

§ 78.291 *Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.291–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.291–4 *Thickness of plates.* (a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A	= 9,500 psi.
ASTM B–178 Alloy 990A	=11,000 psi.
ASTM B–178 Alloy M1A	=14,000 psi.
ASTM B–178 Alloy GR20A	=25,000 psi.
ASTM B–178 Alloy GS11A	=24,000 psi.
ASTM B–178 Alloy GR40A	=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of a dished tank head must be determined by the following formula, but shall in no case be less than ½ inch:

$$t=\frac{5PL}{6SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; L=main inside radius to which head is dished measured on concave side in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.291–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) The thickness of an ellipsoidal head shall be determined by the following formula, but in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.291–4 (a)); E=efficiency of welded joint to shell=100 percent.

§ 78.291–15 *Safety valve.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.291–20 (a).)

NOTE 1: Tank cars built prior to June 30, 1957, may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least 1¾ inches inside diameter closed with a frangible disc of suitable material, of a thickness that will rupture at a pressure not exceeding 45 pounds per square inch. Means for holding in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

17. In § 78.292–2 amend paragraph (a); amend entire § 78.292–4; in § 78.292–11 amend paragraph (d); in § 78.292–15 amend paragraph (c); in § 78.292–20 amend paragraph (a) (21

F. R. 4608 to 4610, June 26 1956) to read as follows:

§ 78.292 *Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.292–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.292–4 *Thickness of plates.* (a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A	= 9,500 psi.
ASTM B–178 Alloy 990A	=11,000 psi.
ASTM B–178 Alloy M1A	=14,000 psi.
ASTM B–178 Alloy GR20A	=25,000 psi.
ASTM B–178 Alloy GS11A	=24,000 psi.
ASTM B–178 Alloy GR40A	=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of a dished tank head must be determined by the following formula, but shall in no case be less than ½ inch:

$$t=\frac{5PL}{6SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; L=main inside radius to which head is dished measured on concave side in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.292–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) The thickness of an ellipsoidal head shall b determined by the following formula, but in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.292–4 (a)); E=efficiency of welded joint to shell=100 percent.

§ 78.292–11 *Expansion dome.* • • •

(d) The dome shell thickness shall be calculated by the formula in § 78.292–4 (a).

§ 78.292–15 *Safety devices.* • • •

(c) The safety valve, if used, must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.292–20 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

§ 78.292–20 *Tests of safety valves.* (a) Each safety valve must be tested before being put into service by attaching to an air line and applying pressure. The valve must start to discharge at the pressure prescribed in § 78.292–15 (c) with a tolerance of plus or minus 3 pounds.

18. In § 78.294–3 amend paragraph (a); in § 78.294–4 add paragraph (d); in § 78.294–11 amend paragraph (b); in § 78.294–13 amend paragraphs (a) and (b); in § 78.294–17 amend paragraph (a) (21 F. R. 4613, 4614, June 26, 1956) to read as follows:

§ 78.294 *Specification ICC–105A100–AL–W; lagged fushion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.294–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.294–4 *Thickness of plates.* • • •

(d) The minimum thickness of plates and heads shall not be less than ⅝ inch.

§ 78.294–11 *Manway nozzle, cover and protective housing.* • • •

(b) Manway cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material such as cast or rolled alloy steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

§ 78.294–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.294–17 (a).)

§ 78.294–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.294–13 (b) with a tolerance of plus or minus 3 pounds.

19. In § 78.296–2 amend paragraph (a); in § 78.296–5 amend paragraph (a); in § 78.296–9 amend paragraph (a); in § 78.296–15 amend paragraphs (a) and (b); in § 78.296–20 amend paragraph (a); in § 78.296–21 amend paragraph (a) (1) (21 F. R. 4617, 4618, June 26, 1956) to read as follows:

§ 78.296 *Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.296–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiency flashed around all openings so as to be weather-tight.

§ 78.296–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate steel of flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent.

§ 78.296–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.296–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of material not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.296–20(a).)

§ 78.296–20 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.296–15 (b) with a tolerance of plus or minus 3 pounds.

§ 78.296–21 *Marking.* (a) • • •

(1) ICC–103B100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–103B100–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

20. In § 78.297–2 amend paragraph (a); in § 78.297–9 amend paragraph (a); in § 78.297–15 amend paragraphs (a), (b), (c), (d), and cancel paragraph (e) (21 F. R. 4619, 4620, June 26, 1956) to read as follows:

§ 78.297 *Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be

lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.297–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.297–5 (a). (See A. A. R. Appendix W.)

§ 78.297–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on top of expansion dome. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) The safety valve must be set for start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.297–20 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges must be of cast, forged, or fabricated metal not subject to rapid deterioration by the lading, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

21. In § 78.298–2 amend paragraph (a); in § 78.298–9 amend paragraph (a); in § 78.298–11 amend paragraph (a); in § 78.298–15 amend paragraphs (a), (b), (c), (d) and cancel paragraph (e) (21 F. R. 4621, 4622, June 26, 1956) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.298–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.298–5 (a). (See A. A. R. Appendix W.)

§ 78.298–11 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 1 percent of the total capacity of the tank and dome combined.

§ 78.298–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on top of expansion dome. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.298–20 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges must be of cast, forged, or fabricated metal not subject to rapid deterioration by the lading, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

22. In § 78.299–2 amend paragraph (a) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

23. In § 78.300–4 amend paragraph (a) and (c); in § 78.300–13 amend paragraphs (a) and (b); in § 78.300–17 amend paragraph (a) (21 F. R. 4625, 4626, June 26, 1956) to read as follows:

§ 78.300 *Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.300–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank shall be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy GR20A=25,000 psi.
ASTM B–178 Alloy GS11A=24,000 psi.
ASTM B–178 Alloy GR40A=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

* * * * *

(c) The minimum thickness of plates and heads must not be less than ⅝ inch.

§ 78.300–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 225 pounds per square inch. (For tolerance see § 78.300–17 (a).)

§ 78.300–17 *Tests of safety valves.* (a) Each value must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.300–13 (b) with a tolerance of plus or minus 3 percent.

24. In § 78.301–2 amend paragraph (a); in § 78.301–6 amend paragraph (a), and cancel paragraph (d); in § 78.301–9 amend paragraph (a); in § 78.301–14 amend paragraph (a) and add paragraph (b); in § 78.301–18 amend paragraph (a); in § 78.301–19 amend paragraph (a) (1) (21 F. R. 4626, 4627, 4628, June 26, 1956) to read as follows:

§ 78.301 *Specification ICC–109A300–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.301–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.301–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(d) [Canceled.]

§ 78.301–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.301–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design made of metal not subject to rapid deteriora-

tion by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch. (For tolerance see § 78.301–18 (a).)

§ 78.301–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.301–14 (b) with a tolerance of plus or minus 3 percent.

§ 78.301–19 *Marking.* (a) * * *

(1) ICC–109A300–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–109A300–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

25. In § 78.302–3 amend paragraph (a); in § 78.302–14 amend paragraphs (a) and (b); in § 78.302–18 amend paragraph (a) (22 F. R. 2236, 2237, Apr. 4, 1957) to read as follows:

§ 78.302 *Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.302–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.302–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.302–18 (a).)

§ 78.302–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.302–14 (b) with a tolerance of plus or minus 3 pounds.

26. Add § 78.303 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.303 *Specification ICC–111A100–W–1; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.303–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.303–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.303–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any,=90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.303–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.303–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.303–6 *Tank Heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.303–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.303–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W).

§ 78.303–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.303–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.303–7 (a).

§ 78.303–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be

stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–1 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of adidtional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party asembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater system was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged (naming material) _____ clad tank. Lined tanks must be stenciled on the tank, or jacket if lagged (naming material) _____ lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.303–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application showing initial and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.303–13 *Outage.* (a) Tanks with Group 1 fittings and appurtenances will require a minimum outage of 2 percent. This outage must be provided for in the tank shell.

§ 78.303–14 *Lagging.* (a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.303–15 *Closure for manway.* (a) The manway cover must be of an approved type and design to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway cover must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with metal of tank.

(c) All covers not hinged must be attached to outside of tank by at least a ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.303–16 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design and be provided with a liquid tight closure at the outlet end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating the valve due to stresses or shocks incidental to transportation.

(c) Bottom outlet nozzle may be of cast, fabricated or forged metal. If outlet nozzle is welded to tank, it must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must have external Unified Form Threads, 4 threads per inch.

(e) For outlet nozzles that extend 6 inches or more from the shell of tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles, this groove must be below the steam chamber, but not more than 15 inches from the tank. Where the outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the exterior of the tank. Leakage must be prevented by packing in stuffing box or other suitable seals and a cap.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

§ 78.303–17 *Venting, loading and unloading devices.* (a) Installation of these devices is optional, and when installed, these devices and fittings must be of an approved design, and made of materials not subject to rapid deterioration by the lading.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of the tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices, including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.303–18 *Gauging devices.* (a) Outage for these tanks must be provided within the tank shell; therefore, an outage scale visible from manway when cover is open must be provided.

(b) A telltale pipe must be applied with a ¼ inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified for tanks equipped with Group 1 fittings. This requirement is to permit tank to be loaded with the manway cover closed.

§ 78.303–19 *Vacuum breaker.* (a) To prevent pressure reduction of more than 1½ pounds per square inch below

atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.303–20 *Safety valves.* (a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 85 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch. (For tolerance see § 78.303–21 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have a safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead, or other suitable material, of a thickness that will rupture at a pressure of not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

§ 78.303–21 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed in § 78.303–20 (b) with a tolerance of plus or minus 3 pounds.

§ 78.303–22 *Interior heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, fabricated or forged metal. Flanges must be of good weldable quality in conjunction with the metal of the tank.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

27. Add § 78.304 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.304 *Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.304–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.304–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.304–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any,=90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.304–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.304–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.304–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.304–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.304–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.304–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.304–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.304–7 (a).

§ 78.304–11. *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–2 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, (naming material) _____ clad tanks. Lined tanks must be stenciled on the tanks, or jacket if lagged, (naming material) _____ lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.304–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.304–13 *Outage.* (a) Tanks with Group 2 fittings and appurtenances will require a minimum outage of 1 percent. This outage must be provided in the tank shell.

§ 78.304–14 *Lagging.* (a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.304–15 *Closures for manway.* (a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be of cast, forged or fabricated steel. Manway ring must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least ⅜ inch chain or its equivalent.

(b) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.304–16 *Bottom outlets.* (a) Bottom outlet is prohibited, but tank may be equipped with a bottom washout nozzle of approved design, made of metal not subject to rapid deterioration by the lading.

(b) The construction and closure of the bottom washout nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

(c) The extreme projection of the bottom washout nozzle must be at least 12 inches above the top of rail.

(d) Bottom washout nozzle may be of cast, frabricated, or forged metal. If welded to tank, it must be of good weldable quality in conjunction with metal of tank.

(e) The closure of the washout nozzle must be equipped with a ¾ inch solid screw plug. Plug must be secured to car structure or washout chamber by at least a ¼ inch chain.

(f) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(g) The flange on the bottom washout nozzle must be of a thickness which will prevent distortion of the inside closure seat of closure detail by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the washout nozzle will occur at or below the "V" groove.

(h) The closure detail must not project below the "V" groove in the washout nozzle. The closure detail and seat must be readily accessible for repairs, including grinding.

§ 78.304–17 *Venting, loading and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design and made of material not subject to rapid deterioration by the lading and be tightly closed.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices, including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.304–18 *Gauging devices.* (a) Outage for these tanks must be provided within the tank shell; therefore, an outage scale visible from manway when cover is open must be provided.

(b) A telltale pipe must be applied with a ¼ inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified for tanks equipped with Group 2 fittings. This requirement is to permit tank to be loaded with the manway cover closed.

§ 78.304–19 *Vacuum breaker.* (a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.304–20 *Safety vents.* (a) Safety valves are prohibited. Tanks equipped with Group 2 fittings must have a safety vent of an approved design.

(b) Each tank or compartment thereof, must be equipped with one safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at a pressure of not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

§ 78.304–21 *Interior heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, forged, or fabricated metal. Flanges must be of good weldable quality in conjunction with the metal of the tank.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

28. Add § 78.305 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.305 *Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 *Application for Approval* (a), (b), (c) and (d).

§ 78.305–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.305–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.305–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any,=90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.305–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.305–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.305–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.305–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.305–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.305–9 *Tank-mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.305–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.305–7 (a).

§ 78.305–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least 3/8 inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least 3/8 inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–3 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, (naming material) ---------- clad tanks. Lined tanks must be stenciled on the tanks, or jacket if lagged, (naming material) ---------- lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.305–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.305–13 *Outage.* (a) Tanks with Group 3 fittings and appurtenances will require a minimum outage of 2 percent. This outage must be provided in the tank shell.

§ 78.305–14 *Lagging.* (a) The tank shell must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.305–15 *Closures for manway.* (a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be made of cast, forged, or fabricated steel. Manway ring must be made of cast, forged, or fabricated steel and be of good weldable quality in conjunction with metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.305–16 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, must be of approved design and be provided with a liquid tight closure at the outlet end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incidental to transportation.

(c) Bottom outlet nozzle may be of cast, forged, or fabricated metal. If outlet nozzle is welded to tank, it must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle or some fixed attachment thereto, must have external Unified Form Threads, 4 threads to the inch.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles, this groove must be below the steam chamber, but not more than 15 inches from the tank. Where the outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the exterior of the tank. Leakage must be prevented by packing in stuffing box or other suitable seals and a cap.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least ⅜-inch chain or its equivalent, except that outlet closure plugs may be attached by ¼-inch chain. When the bottom outlet closure is on the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.305–17 *Venting, loading and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design and made of material not subject to rapid deterioration by the lading and be tightly closed.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices including valves, must be of an approved design and provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.305–18 *Gauging device.* (a) Outage for these tanks must be provided within the tank shell; therefore, an outage scale visible from manway when cover is open must be provided.

(b) A telltale pipe must be applied with a ¼-inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified for tanks equipped with Group 3 fittings. This requirement is to permit tank to be loaded with the manway cover closed.

§ 78.305–19 *Vacuum breaker.* (a) To prevent reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with a subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.305–20 *Safety valves.* (a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 85 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch. (For tolerance see § 78.305–21 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at a pressure of not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

§ 78.305–21 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressure must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed in § 78.305–20 (b) with a tolerance of plus or minus 3 pounds.

§ 78.305–22 *Interior heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, forged, or fabricated metal. Flanges must be of good weldable quality in conjunction with the metal of tank.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

29. Add § 78.306 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.306 *Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.306–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.306–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.306–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any, =90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.306–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.306–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.306–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.306–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.306–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.306–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.306–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.306–7 (a).

§ 78.306–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least 3/8 inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least 3/8 inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–4 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged (naming material) _____ clad tanks. Lined tanks must be stenciled on the tanks, or jacket if lagged (naming material) _____ lined

tank. Those marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.306–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations, or additions made to each tank covered by a particular application showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.306–13 *Outage.* (a) Tanks with Group 4 fittings and appurtenances will require outage complying with the maximum permitted filling density, § 73.314 (a) of this chapter.

§ 78.306–14 *Lagging.* (a) The tank shell must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.306–15 *Closures for manway.* (a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway cover must be made of cast, forged, or fabricated steel. Manway ring must be made of cast, forged, or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.306–16 *Bottom outlets.* (a) The bottom outlet is prohibited.

§ 78.306–17 *Venting, loading, and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design and made of material not subject to rapid deterioration by the lading and be tightly closed.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices, including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.306–18 *Gauging device.* (a) A gauging device of an approved design must be applied to permit determining the liquid level of the lading. The interior pipe of the gauging device must be equipped with an excess flow valve of an approved design. This device must be provided with a protective housing.

§ 78.306–19 *Vacuum breaker.* (a) The vacuum breaker is not a specification requirement.

§ 78.306–20 *Safety valves.* (a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 85 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch. (For tolerance see § 78.306–21 (a).)

§ 78.306–21 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed in § 78.306–20 (b) with a tolerance of plus or minus 3 pounds.

§ 78.306–22 *Heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

§ 78.306–23 *Sampling device and thermometer well.* (a) Sampling valve and thermometer well are not specification requirements. When used, they they must be of an approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the sampling valve must be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be closed by an approved valve attached close to fitting where it passes through the tank and closed by a screw plug. Other approved arrangements that permit testing thermometer wells for leaks without complete removal of the closure may be used.

30. Add § 78.307 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.307 *Specification ICC–105A200–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.307–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tanks must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank prohibited.

§ 78.307–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of the thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.307–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 500 pounds per square inch.

§ 78.307–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads, must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.307–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be as follows:

Inside diameter of tanks	Bottom sheets	Shell sheets	Tank heads
	Inch	*Inch*	*Inch*
87 inches or under	½	½	½
Over 87 to 96 inches	9/16	9/16	9/16

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.307–6 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.307–6 (a), minimum thickness of base plate must be as prescribed in the above table.

§ 78.307–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.307–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.307–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.307–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.307–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.307–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.307–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of approved design of cast, forged or rolled steel at least 18 inches inside diameter and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap-joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.307–12 *Venting, loading and unloading, gauging, and sampling devices and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, except as prescribed in § 78.307–12 (d), may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in § 78.307–12 (d), may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks used for the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

§ 78.307–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 165 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 150 pounds per square inch. (For tolerance see § 78.307–17 (a).)

§ 78.307–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than anchorage and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.307–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and made of metal not subject to rapid deterioration by the lading.

§ 78.307–16 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 200 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.307–8 (a).

(c) Tests of exterior heater systems, not a specification requirement.

§ 78.307–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 150 pounds per square inch and be vapor tight at 120 pounds per square inch, which limiting pressure must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.307–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.307–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification as follows:

(1) ICC–105A200–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–105A200–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into

the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket (naming material) ---------- clad tank. Lined tanks must be stenciled on the jacket (naming material) ---------- lined tanks. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.307–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

31. Add § 78.308 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.308 *Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.308–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.308–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weathertight. When heater systems are attached to the exterior of the tank, the lagging over each heater element may be reduced in thickness to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.308–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.308–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A	=	9,500 psi.
ASTM B–178 Alloy 990A	=	11,000 psi.
ASTM B–178 Alloy M1A	=	14,000 psi.
ASTM B–178 Alloy GR20A	=	25,000 psi.
ASTM B–178 Alloy GS11A	=	24,000 psi.
ASTM B–178 Alloy GR40A	=	30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.308–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) Minimum thickness of plates and heads shall not be less than ⅝ inch.

§ 78.308–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.308–6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.308–7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on the concave side.

(b) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.308–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.308–9 *Stress-relieving.* (a) Not a specification requirement.

§ 78.308–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.308–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged, or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves, or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.308–12 *Venting, loading and unloading, gauging and sampling devices.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, except as prescribed in § 78.308–12 (d), may be equipped with excess flow valves of approved design, and must be securely anchored.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, and made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in § 78.308–12 (d), may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks for use in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with check valves of an approved design.

§ 78.308–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 165 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 150 pounds per square inch. (For tolerance see § 78.308–17 (a).)

§ 78.308–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.308–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.308–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before tank lagging is applied, by completely filling the tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 200 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.308–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.308–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 150 pounds per square inch and be vapor tight at 120 pounds per square inch which limiting pressures must not be affected by an auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.309–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.308–18. *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A200–AL–W and specification number of material used in tank shell and manway nozzle in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A 200–AL–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

§ 78.308–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

32. Add § 78.312 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.312 *Specification ICC–112A400–W; fushion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Com-

mittee on Tank Cars as prescribed in § 78.259 (a), (b), (c), and (d).

§ 78.312–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.312–2 *Lagging.* (a) Not a specification requirement.

(b) In lieu of lagging, at least the upper two-thirds of the exterior of the tank, manway nozzle, and all appurtenances in contact with the tank, such as tank bands, handrail brackets, and platform or dome step brackets must be painted with a light-reflective paint for the finish coat.

§ 78.312–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 1000 pounds per square inch.

§ 78.312–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.312–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure in pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be 11/16 inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.312–6 (a), must be as prescribed in § 78.312–4 (b). Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.312–6 (a) minimum thickness of base plate must be as prescribed in § 78.312–4 (b).

§ 78.312–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.312–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(c) All external projections must be made of material specified herein.

§ 78.312–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.312–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.312–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto, must be stress-relieved as a unit.

§ 78.312–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing the anchor to tank is prohibited.

§ 78.312–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading and unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.312–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 400 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in § 78.312–12 (d), may be equipped with excess flow valves of approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in § 78.312–12 (d), may be equipped with excess flow valves of an approved design. Interior pipes of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure, may be used.

(d) Tanks used in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

§ 78.312–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 300 pounds per square inch.

(b) The safety valve must be set to open at a pressure not exceeding 300 pounds per square inch. (For tolerance see § 78.312–17 (a).)

§ 78.312–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited.

§ 78.312–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread and of metal not subject to rapid deterioration by lading.

§ 78.312–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied, by completely filling tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 400 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.312–8 (a).

§ 78.312–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 300 pounds per square inch and be vapor tight at 240 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.312–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–112A400–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–112A400–W must also be stenciled on the tank in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must be stenciled on the tank in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom stenciled on the tank.

(6) Water capacity in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the tank immediately below the dome platform, and either directly behind or within 3 feet of the right or left side of ladder, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank (naming material) _____ clad tank. Lined tanks must be stenciled on the tank (naming material) _____ lined tank. These marks must be stenciled in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.312–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

33. Add § 78.314 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.314 *Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.314–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover.

§ 78.314–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all around all openings so as to be weather tight.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.314–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 750 pounds per square inch.

§ 78.314–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy GR20A=25,000 psi.
ASTM B–178 Alloy GS11A=24,000 psi.
ASTM B–178 Alloy GR40A=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head (see § 78.314–7 (b)), shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.314–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) The minimum thickness of plates and heads must not be less than ⅝ inch.

§ 78.314–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.314–6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.314–7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on concave side.

(b) Ellipsoidal tank heads shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.314–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification.

All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.314–9 *Stress-relieving.* (a) Not a specification requirement.

§ 78.314–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.314–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of an approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2⅝ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manyway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.314–12 *Venting, loading and unloading, gauging and sampling devices.* (a) Venting, loading and unloading valves must be of approved types, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 300 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, sampling valve and gauging device may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

§ 78.314–13 *Bottom outlets.* (a) Bottom outlet for discharge of lading is prohibited, but tank may be equipped with a bottom washout of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(1) The extreme projection of the bottom washout must be at least 12 inches above top of rail.

(2) Bottom washout nozzle must be of cast, forged or fabricated metal of good weldable quality in conjunction with the metal of the tank, and must be applied by welding.

(3) The bottom washout must be designed and constructed with a double closure each capable of withstanding 300 pounds per square inch test pressure without leakage. The inside or top closure must be such that loss of lading will not occur should the nozzle be broken, and preferably should consist of a plug with a tapered seat so that any tank pressure will effect tight closure independent of means of securing the plug. The outside or bottom closure must be a flange with a test plug not larger than ¾ inch pipe plug. Flange and plug must be chained to prevent loss.

(4) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the bottom washout nozzle at a point immediately below the lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(5) The opening in the tank bottom for the bottom washout nozzle must be reinforced in an approved manner, and the washout nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove.

(6) The closure plug must not project below the "V" groove in the washout nozzle. The closure plug and seat must be readily accessible for repairs, including grinding.

(7) Joints between closures and their seats may be gasketed with suitable material.

§ 78.314–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valves must be set for a start to discharge pressure of 225 pounds per square inch. (For tolerance see § 78.314–18 (a).)

§ 78.314–15 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and nozzle must be applied by approved means. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.314–16 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.314–17 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before tank lagging is applied, by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying pressure of 300 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.314–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.314–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.314–14 (b) with a tolerance of plus or minus 3 percent.

§ 78.314–19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–109A300AL–W and specification number of material used in tank shell and manway nozzle in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–109A300AL–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party, assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket

if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraph (3) of this paragraph. This mark must also be stenciled on the tank, or jacket if lagged, immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

§ 78.314–20 *Reports.* (a) Before a tank car is placed in service the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties, a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

Section, Paragraph and Reason for Amendment

73.31; (a) table, Note 12; to permit the use of 45 pound safety valves on certain tank cars of specs. 103C, 103C–W, and 103A–AL–W.

73.31; (g) (9) and Table 1; to provide for the retesting of specs. 112A400–W, 105A200, and class 111A100–W tank cars.

73.31; (h); clarifies the interchangeability and stenciling requirements of certain tank cars for various commodities.

73.93; (d) (4); provides for the use of spec. 111A100–W–1 tank car for certain explosives.

73.119; (a) (12), (e) (2), (f) (3); provides for the use of specs. 105A200–W, 105A200–AL–W, 111A100–W–1, 111A100–W–3, 111A100–W–4, and 104–W tank cars for certain flammable liquids.

73.123; (a) (5); provides for the use of specs. 105A200–W and 111A100–W–4 tank cars for ethyl chloride.

73.124; (a) (5); provides for the use of spec. 111A100–W–4 tank car for ethylene oxide.

73.135; (a) (7), (8); provides for the use of specs. 111A100–W–1, 111A100–W–4, and 105A200–W tank cars for certain flammable liquids of the chlorosilane family.

73.136; (a) (6), (7); provides for the use of specs. 111A100–W–1, 105A200–W, and 111A100–W–4 tank cars for methyl dichlorosilane and trichlorosilane.

73.163; (a) (6); provides for the use of spec. 111A100–W–1 tank car for various chlorates.

73.190; (b) (3); provides for the use of spec. 111A100–W–1 tank car for white or yellow phosphorus.

73.224; (a) (3); provides for the use of spec. 111A100–W–2 tank car for certain oxidizing materials.

73.247; (a) (6), (13), (17); provides for the use of specs. 111A100–W–1, and 111A100–W–2 tank cars for certain corrosive liquids.

73.248; (a) (4), (5); provides specs. 111A100–W–1 and 111A100–W–2 tank cars for certain acids.

73.249; (a) (5); provides for the use of specs. 111A100–W–1, –2, –3, –4 tank cars for certain alkaline liquids.

73.254; (a) (4); provides for the use of spec. 111A100–W–2 tank car for chlorosulfonic acid and mixtures.

73.255; (a) (4); provides for the use of spec. 111A100–W–2 tank car for dimethyl sulfate.

73.264; (a) (8); provides for the use of specs. 105A200–W, 111A100–W–2, and 111A100–W–4 tank cars for hydrofluoric acid.

73.267; (a) (3); provides for the use of spec. 111A100–W–2 tank car for certain mixed acids.

73.271; (a) (7), (9); provides for the use of spec. 111A100–W–2 tank car for certain chlorides.

73.272; (h) (3); provides for the use of spec. 111A100–W–2 tank car for sulfuric acid.

73.273; (a) (4); provides for the use of spec. 111A100–W–2 tank car for sulfur trioxide, stabilized.

73.274; (a) (3); provides for the use of spec. 111A100–W–2 tank car for fluosulfonic acid.

73.280; (a) (7); provides specs. 103–W, 103A–W, 111A100–W–1, 111A100–W–2 and 111A100–W–4 tank cars for certain corrosive liquids.

73.314; (a) table; provides for the motor vehicle transportation of certain compressed gases in spec. 110A500–W containers; provides for the use of specs. 111A100–W–4, 105A200–W for certain compressed gases; provides for the transportation of fertilizer ammoniating solution containing free ammonia, and crude nitrogen fertilizer solution in specified tank cars.

73.314; (a) Note 2; to authorize the use of the same class tank cars having higher marked test pressures than those prescribed.

73.314; (a) Note 11; to clarify the setting of pressure-regulating valves on spec. 105A500–W and 105A600–W tank cars.

73.314; (a) Note 12; provides for the motor vehicle transportation of dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) and trifluorochloroethylene in spec. 110A500–W containers.

73.314; (b); provides gas pressure limitations for specs. 105A200–W, 105A200–AL–W, 109A300–W and 111A100–W–4 tank cars at specified temperatures.

73.346; (a) (10); provides for the use of specs. 105A200–W, 111A100–W–1, –2, –3, –4 tank cars for certain poisonous liquids.

73.347; (a) (2); provides for the use of specs. 111A100–W–1, –2 tank cars for aniline oil.

73.352; (a) (4); provides for the use of specs. 111A100–W–1, –2 tank cars for liquid sodium or potassium cyanide.

73.353; (a) (5), (b); provides for the use of specs. 105A200–W and 111A100–W–4 tank cars for methyl bromide.

73.365; (a) (13); provides for the use of specs. 111A100–W–1, –2 tank cars for certain poisonous solids.

73.369; (a) (13); provides for the use of specs. 111A100–W–1, –2 tank cars for carbolic acid (phenol), not liquid.

77.840; (c); provides for the motor vehicle transportation of dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) and trifluorochloroethylene in spec. 110A500–W containers.

78.265–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103 tank car does not require lagging.

78.265–5; (a); authorizes the use of firebox quality steel.

78.265–5; (e); eliminates lining requirements inasmuch as a lining or interior coating is not mandatory.

78.265–7; (b); authorizes the use of A. A. R. Specification M–110 for use in the construction of riveted tank car tanks.

78.265–14; (b), (c), (d); the provisions of current paragraph (b) are deleted inasmuch as Appendix A of the A. A. R. specifications provides a method for determining the capacity requirement for safety relief valves for each tank specification; proposed paragraph (b) is current paragraph (c) modified, and clarifies the requirement for the operation of each safety valve, and the note thereto provides for a transition period to allow new tank cars to be equipped with 25 psi. safety valves; current paragraph (d) becomes paragraph (c) due to redesignation of paragraphs.

78.266–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103A tank car does not require lagging.

78.266–5; (a); authorizes the use of firebox quality steel.

78.266–5; (e); same as § 78.265–5 (e).

78.266–7; (b); same as § 78.265–7 (b).

78.266–10; (b); to clarify that dome pocket drain holes must be provided in the tank shell.

78.267–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103B tank car does not require lagging.

78.267–5; (a); authorizes the use of firebox quality steel.

78.267–7; (b); same as § 78.265–7 (b).

78.269–5; (a); authorizes the use of firebox quality steel for spec. 104 tank car.

78.269–5; (e); same as § 78.265–5 (e).

78.269–7; (b); same as § 78.265–7 (b).

78.269–14; (b), (c), (d); same as § 78.265–14.

78.270–6; (a); authorizes the use of firebox quality steel for spec. 105A100 tank car.

78.270–6; (e); same as § 78.265–5 (e).

78.270–8; (b); same as § 78.265–7 (b).

78.270–13; (a), (b); to coincide the safety valve requirements with Appendix A of the A. A. R. specifications for tank cars.

78.270–18; (a); to coincide the safety valve requirements with Appendix A of the A. A. R. specifications for tank cars.

78.280–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103–W tank car does not require lagging.

78.280–5; (a); authorizes the use of firebox quality steel.

78.280–5; (e); same as § 78.265–5 (e).

78.280–9; (a); reference to AAR appendix W is inserted for information pertaining to welding requirements.

78.280–16; (b), (c), (d), (e); same as § 78.265–14. Furthermore, current paragraph (e) becomes paragraph (d) due to redesignation of paragraphs.

78.280–22; (a) (1); provides for the marking of tanks fabricated from ASTM A–212 Grade A or B steel.

78.281–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103A–W tank car does not require lagging.

78.281–5; (a); authorizes the use of firebox quality steel.

78.281–5; (e); same as § 78.265–5 (e).

78.281–9; (a); same as § 78.280–9 (a).

78.281–21; (a) (1); same as § 78.280–22 (a) (1).

78.282–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103B–W tank car does not require lagging.

78.282–5; (a); authorizes the use of firebox quality steel.

78.282–9; (a); same as § 78.280–9 (a).

78.282–20; (a) (1); same as § 78.280–22 (a) (1).

78.283–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103C–W tank car does not require lagging.

78.283–9; (a); same as § 78.280–9 (a).

78.283–13; (a), (b); provides for the use of approved caps, plugs, valves, or other suitable fittings as closures for openings.

78.283–15; (c); clarifies the requirement for the operation of the safety valve.

78.284–5; (a); authorizes the use of firebox quality steel for spec. 104–W tank car.

78.284–5; (e); same as § 78.265–5 (e).

78.284–9; (a); same as § 78.280–9 (a).

78.284–16; (b), (c), (d), (e); same as § 78.265–14. Furthermore, current paragraph (e) becomes paragraph (d) due to redesignation of paragraphs.

78.284–22; (a) (1); same as § 78.280–22 (a) (1).

78.285–3; (a); to bring spec. 105A100–W in conformance with specifications having 100 pounds per square inch tank tests.

78.285–4; (a); makes provisions for the determination of the thickness of tank heads as well as the cylindrical portion of the tank.

78.285–6; (a); authorizes the use of firebox quality steel.

78.285–6; (e); same as § 78.265–5 (e).

78.285–9; (a); same as § 78.280–9 (a).

78.285–13; (a), (b); same as § 78.270–13.

78.285–17; (a); same as § 78.270–13.

78.285–18; (a) (1); same as § 78.280–22 (a) (1).

78.286–4; (b); provides for a reduction in plate thickness when spec. 105A300–W tanks are fabricated from high tensile steel.

78.286–6; (a); authorizes the use of firebox quality steel.

78.286–6; (d); same as § 78.265–5 (e).

78.286–9; (a); same as § 78.280–9 (a).

78.286–13; (a), (b); same as § 78.270–13.

78.286–17; (a); same as § 78.270–13.

78.286–18; (a) (1); same as § 78.280–22 (a) (1).

78.287–4; (b); provides for a reduction in plate thickness when spec. 105A400–W tanks are fabricated from high tensile steel.

78.287–6; (a); authorizes the use of firebox quality steel.

78.287–6; (d); same as § 78.265–5 (e).

78.287–9; (a); same as § 78.280–9 (a).

78.287–13; (a), (b); same as § 78.270–13.

78.287–17; (a); same as § 78.270–13.

78.287–18; (a) (1); same as § 78.280–22 (a) (1).

78.288–4; (a); same as § 78.285–4 (a).

78.288–4; (b); provides for a reduction in plate thickness when spec. 105A500–W tanks are fabricated from high tensile steel.

78.288–6; (a); authorizes the use of firebox quality steel.

78.288–6; (e); same as § 78.265–5 (e).

78.288–9; (a); same as § 78.280–9 (a).

78.288–13; (a), (b), (c); same as § 78.270–13.

78.288–17; (a); same as § 78.270–13.

78.288–18; (a) (1); provides for the marking of tanks fabricated from ASTM A–212 Grade A or B steel or ASTM A–300 steel.

78.289–4; (a); same as § 78.285–4 (a).

78.289–4; (b); provides for a reduction in plate thickness when spec. 105A600–W tanks are fabricated from high tensile steel.

78.289–6; (a); authorizes the use of firebox quality steel.

78.289–6; (e); same as § 78.265–5 (e).

78.289–9; (a); same as § 78.280–9 (a).

78.289–13; (a), (b), (c); same as § 78.270–13.

78.289–17; (a); same as § 78.270–13.

78.289–18; (a) (1); same as § 78.288–18 (a) (1).

78.291–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103–AL–W tank car does not require lagging.

78.291–4; entire section provides for a reduction in the plate thickness of aluminum tank car tanks.

78.291–15; (b), (c), (d), (e); same as § 78.265–14. Furthermore, current paragraph (e) becomes paragraph (d) due to redesignation of paragraphs.

78.292–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103A–AL–W tank car does not require lagging.

78.292–4; entire section same as § 78.291–4.

78.292–11; (d); corrects an erroneous reference.

78.292–15; (c); same as § 78.270–13. Furthermore, note provides for a transition period to allow new tank cars to be equipped with 25 psi. safety valves.

78.292–20; (a); same as § 78.270–13.

78.294–3; (a); provides a standard bursting pressure for spec. 105A100–AL–W aluminium tank cars with 100 psi. tank tests.

78.294–4; (d); provides for a minimum thickness of tank car tank plates and heads.

78.294–11; (b); provides for the use of a material of sufficient hardness so that the threads to which the fittings are engaged will not become damaged.

78.294–13; (a), (b); same as § 78.270–13.

78.294–17; (a); same as § 78.270–13.

78.296–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103B100–W tank car does not require lagging.

78.296–5; (a); authorizes the use of firebox quality steel.

78.296–9; (a); same as § 78.280–9 (a).

78.296–15; (a), (b); same as § 78.270–13.

78.296–20; (a); same as § 78.270–13.

78.296–21; (a); same as § 78.280–22 (a) (1).

78.297–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103D–W tank car does not require lagging.

78.297–9; (a); same as § 78.280–9 (a).

78.297–15; (a), (b), (c), (d), (e); the provisions of current paragraph (b) are deleted and current paragraphs (c), (d), and (e) modified to some extent, are redesignated (b), (c), and (d) respectively, inasmuch as Appendix A of the A. A. R. specifications for tank cars provide a method for determining the capacity requirement for safety relief valves for each tank specification.

78.298–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103E–W tank car does not require lagging.

78.298–9; (a); same as § 78.280–9 (a).

78.298–11; (a); original spec. was approved with a 1 percent dome capacity and this amendment corrects the current requirement.

78.298–15; (a), (b), (c), (d), (e); same as § 78.297–15.

78.299–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 103A–N–W tank car does not require lagging.

78.300–4; (a), (c); provides for a reduction in the plate thickness for spec. 105A300–AL–W aluminum tank car tanks.

78.300–13; (a), (b); same as § 78.270–13.

78.300–17; (a); same as § 78.270–13.

78.301–2; (a); eliminates the requirement covering thermal conductance inasmuch as spec. 109A300–W does not require lagging.

78.301–6; (a); authorizes the use of firebox quality steel.

78.301–6; (d); same as § 78.265–5 (e).

78.301–9; (a); same as § 78.280–9 (a).

78.301–14; (a), (b); same as § 78.270–13.

78.301–18; (a); same as § 78.270–13.

78.301–19; (a) (1); same as § 78.280–22 (a) (1).

78.302–3; (a); provides a standard bursting pressure for spec. 109A100–AL–W aluminum tank car tanks with 100 psi. tank tests.

78.302–14; (a), (b); same as § 78.270–13.

78.302–18; (a); same as § 78.270–13.

78.303; provides for the construction of new tank car specification ICC–111A100–W–1.

78.304; provides for the construction of new tank car specification ICC–111A100–W–2.

78.305; provides for the construction of new tank car specification ICC–111A100–W–3.

78.306; provides for the construction of new tank car specification ICC–111A100–W–4.

78.307; provides for the construction of new tank car specification ICC–105A200–W.

78.308; provides for the construction of new tank car specification ICC–105A200–AL–W.

78.312; provides for the construction of new tank car specification ICC–112A400–W.

78.314; provides for the construction of new tank car specification ICC–109A300–AL–W.

[F. R. Doc. 57–4186; Filed, May 23, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 952]

[Docket No. AO–256–A4]

MILK IN AUSTIN-WACO, TEX., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Austin-Waco, Texas, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order were formulated was held at Austin, Texas, January 14–15, 1957, pursuant to notice thereof issued on January 10, 1957 (22 F. R. 222).

The material issues of the hearing related to:

1. Amending the fluid milk plant definition to include the plant of a cooperative association, whose members' milk primarily is received at distributing plants of other handlers, which serves as a "standby facility" with respect to the receipt and movement of milk among distributing handlers in the market.

2. Making provision for a cooperative association to become a handler with respect to farm bulk tank assembled milk delivered directly to fluid milk plants of other handlers.

3. Permitting diversion of milk to a nonfluid milk plant during any month of the year.

4. Revising the producer-handler definition;

5. Changing the inventory classification of milk;

6. Revising the shrinkage provisions;

7. Making provision so that the uniform price for excess milk does not exceed the uniform price for base milk; and

8. Making cooperative association responsible for administrative assessment only on its producer receipts classified as Class I milk.

Findings and conclusions. The following findings and conclusions are based on evidence received at the hearing and the record thereof:

1. The fluid milk plant definition should be revised to include the plant of a cooperative association, most of whose members' milk is received directly at the distributing plants of other handlers. This will facilitate the movement of milk to individual handlers in the market to balance their supplies of milk with their specific requirements.

Producers proposed changing the fluid milk plant definition to include the plant of a cooperative association which supplies 75 percent or more of the milk of its members to distributing plants in the market.

The producers' association purchased the cheese plant at Round Rock, Texas, in the fall of 1956 to serve as a "standby plant" for the orderly disposal of surplus milk and to serve as a Grade A receiving station to facilitate the movement of milk to insure the highest class utilization of producer milk.

The experience in the market shows that while one handler temporarily may not have enough milk, another may have more than enough. Within 48 hours the reverse situation may be true. Distributing handlers do not have adequate storage facilities to take care of their fluctuating needs for milk to bring about the highest class utilization of the milk. The producers' association proposes to move milk from the handler who has an excess to the handler who is short of milk. In so doing it may often be necessary to move some of the milk through the producers' plant.

About one-third of the producer milk in the market comes from producers with farm bulk tanks and the conversion to bulk tank handling of milk is increasing. Handlers do not wish to continue to receive milk in cans if they can get a sufficient supply from producers with bulk tanks.

The producers' association plans to install can receiving equipment in their plant, thereby permitting handlers to eliminate their can receiving facilities and enabling them to call on the association for supplemental supplies of milk needed in addition to that received by such handlers directly from producers. Such provision also would relieve some handlers, in accordance with their desires, of the responsibility of weighing, testing, and paying producers for such supplemental milk.

Producers testified that during some months their plant might qualify under the present supply plant definition, but in other months, particularly in the fall base-making period, they might not ship enough milk to qualify as such. Furthermore, on many occasions in the past, milk of some producers has had to be diverted to a nonfluid milk plant during the base-making period. This has resulted in a reduction in the earned bases of such producers. By qualifying the cooperative association's plant as a fluid milk plant, it would make possible the movement of such milk to its plant without affecting the earned bases of such producers.

With a "standby plant" with Grade A receiving and storage facilities, it will be possible for the producers' association, through the receipt or transfer of milk, to more effectively service handlers in the market in accordance with their specific requirements.

It is concluded that the fluid milk plant definition should be revised to include the plant of a cooperative association which supplies 75 percent or more of the milk of its members to distributing plants in the market.

2. Provision should be made for a cooperative association to become a handler with respect to farm bulk tank milk delivered directly to fluid milk plants of other handlers from the farms of members of such cooperative association.

Producers proposed changing the handler definition and the section in the order on payments to producers to enable a cooperative association to become a handler on such milk as it assembles in tank trucks under its ownership or control at the farms and delivers to the fluid milk plant of another handler. It was proposed further that such milk transported in tank trucks be deemed as received by the cooperative association at the location of the fluid milk plant to which it is delivered except that such milk should be considered as a receipt of producer milk by the operator of such fluid milk plant for the purposes of classification, shrinkage, allocation and payment of administrative charges.

The association owns and operates tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Recently there has been a very rapid expansion in the number of bulk cooling tanks being installed on the farms. It is likely that the trend in this direction will continue at a rapid rate.

The transportation of milk from farm to market in tank trucks owned or operated by the cooperative association creates a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying either the individual producer or, where authorized, a cooperative for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by the cooperative association, the weight of each producer's milk is checked and a sample of the milk for butterfat testing is taken by a person who is an employee of, or is directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries make up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives. Under these circumstances, it is not proper to make a handler responsible for the payment to a producer for a given quantity of milk at a particular test when the handler has no means of verifying such weights and tests. Rather the cooperative association should be made the handler for such milk and the person required to account to producers for it. The handler who utilized the milk should be required to pay the class prices to the cooperative association for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk. Except with respect to that portion of such milk as is allocated to shrinkage, the provisions of § 952.44 (a) relating to the classification of milk transferred between fluid milk plants also should apply to milk caused to be delivered to a fluid milk plant by a cooperative association in its capacity as a handler.

The Agricultural Marketing Agreement Act provides that the cost of administering the order should be borne by handlers. Most of the administrative expense is incurred in auditing and verifying the accounts of handlers where the receipt of the milk occurs. Inasmuch as such milk would be physically received and administrative expenses would continue to be incurred at the fluid milk plants where such milk is caused to be delivered by the cooperative association, such fluid milk plants

should continue to bear the administrative assessment.

With respect to milk received from producers' farms in cans or in tank trucks owned or operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

3. Provision should be made to permit diversion of the milk of a producer to a nonfluid milk plant on one-third of the days of delivery during the month for the period August through December.

Producers proposed that provision should be made so that milk of a producer may be diverted to a nonfluid milk plant during any month of the year.

The present order provides that a producer must deliver milk to a fluid milk plant, or it may be diverted to a nonfluid milk plant for the account of the operator of a fluid milk plant during the period December 16 through July. Record evidence shows that producer milk has had to be diverted to a nonfluid milk plant during the base-forming period, especially on weekends. Such diversion has resulted in lowering the amount of base earned by such producers whose milk was diverted anytime during the period September through December 15, thus penalizing such producers. This is applicable both to members of cooperative associations as well as nonmember producers. Milk of producers normally needed and associated with the market should be permitted to be diverted by either a proprietary handler or a cooperative, when necessary, without penalty to such producers.

To insure that producers, whose milk is diverted during the season of short production, are associated with the market and their milk is needed to supply the market, it should be required that at least two-thirds of their deliveries during any month of the period August through December should be received at a fluid milk plant. This is necessary to prevent a handler from taking on additional producers, whose milk is not needed by the market, permitting them to earn bases, and diverting their milk to a nonpool plant throughout the year.

It is concluded that the handler and producer definitions should be revised to permit diversion of milk to a nonfluid milk plant by any handler operating a fluid milk plant, or a cooperative association, on one-third of the days of delivery during the month for the period August through December. This should accommodate situations when operating reserve supplies of milk of producers are in excess of supplies needed in the handler's plant, but prevent the occurrence of the potential abuses discussed above which might accompany unlimited diversion.

4. The producer-handler definition should be revised to clarify responsibilities relative to risk, care, and management of the resources involved in the production and in the distribution of milk.

Producers proposed revising the producer-handler definition to provide that anyone distributing a daily average of 1,000 pounds or more of Class I milk in the marketing area should become a fully regulated handler. They further proposed that a producer-handler who purchases other source milk for Class I purposes should become a fully regulated handler, and that the risk and responsibility features of the producer-handler definition should be clarified.

Producers testified that anyone who distributes more than 1,000 pounds of milk a day becomes a significant competitive factor in the market. On the other hand, it was disclosed that only one or possibly two producer-handlers would be affected by producers' proposed limitation. In the Austin-Waco market, with an individual-handler pool, about the only effect of placing such a producer-handler under full regulation would be that he would have to pay the administrative assessment on the milk he produced. The administrative cost might well exceed the assessment revenue. No record evidence was supplied as to whether any producer-handler had brought in other source milk or why such a limitation should be included in the definition. Furthermore, no evidence of disruptive marketing conditions was submitted. The record discloses the need for clarifying the financial risk and responsibility aspects of the producer-handler definition. Producers testified that in the past producer-handlers have leased herds of other producers to supplement their milk supplies instead of buying milk from other producers or other handlers. Such leasing arrangements are designed to circumvent the order in obtaining additional milk by avoiding additional investment and some of the financial risks involved in the production of such milk.

It is concluded that the definition should be revised to insure that the producer-handler bears the financial risk and full responsibility for the care and management of the productive resources for the production and distribution of his milk; thus, the proviso of the producers' proposal should be adopted.

5. No change should be made in the inventory classification of milk.

Producers proposed that § 952.41 be amended to provide that milk on hand at the end of the month be classified as Class I milk instead of Class II milk. Their principal argument was that producers would be paid the full Class I price for milk in inventory during the month it was delivered rather than the following month when handlers actually utilized such milk.

The present method of accounting for milk in inventory applies the Class I pricing provision to such milk, through a reclassification procedure, during the month when its ultimate use is established, along with the current receipts used as Class I milk during the month. This method of accounting for inventory equalizes the cost of milk among handlers and returns to producers regardless of whether such producer milk is from the previous month's ending inventory or is a current receipt. In the case of seasonal Class I pricing, as is provided in the Austin-Waco order, if the ending inventory were classified as Class I milk, the potential would exist for a handler to gain a price advantage by carrying a large inventory of milk at the end of the month just prior to a rise in price and a small inventory prior to a decline in price. This could result in inequality in cost of milk and returns to producers during the month when a Class I price change occurred.

It is concluded that the method of classifying inventory and accounting for it presently in the order should be continued.

6. Present shrinkage provisions in the order should remain unchanged, except the shrinkage tolerance above 2 percent for skim milk during the months of April, May and June should be discontinued.

Producers proposed eliminating the shrinkage provisions of the order. They argued that loss due to shrinkage on Class I milk in the handler's plant should be considered as a cost of doing business and producers should be paid the Class I price for it rather than the Class II price. Handlers, on the other hand, argued that market orders in neighboring markets in Texas and most Federal orders in operation in the country contained shrinkage provisions similar to the present provision in the Austin-Waco order and that the proposed change would put Austin-Waco handlers at a competitive disadvantage with their competition regulated under other Federal orders.

During 1956, handlers reported shrinkage of slightly less than one percent, which is less than half the tolerance, permitted to be classified as Class II milk, provided in the order. If this milk, classified as shrinkage and priced as Class II milk, had been paid for as Class I milk, it would have raised the value of Class I milk by less than 3 cents per hundredweight.

When the order was promulgated, the establishment of the Class I price differential took into consideration the shrinkage provision included in the order.

It is concluded that shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk and other source milk should continue to be classified as Class II milk. The present provision which permits up to 5 percent shrinkage on skim milk during the months of April, May and June should be discontinued. At the time the order was issued there were no facilities in the market for handling reserve supplies. Such milk was separated and the cream was salvaged, but the skim milk was dumped for want of an outlet for it. Since that time the cooperative has acquired a cheese plant and is in a position to handle this reserve. Therefore, there is no longer a need for dumping quantities of skim milk during the months of flush production.

7. Section 952.73 should be revised to make provision so that the uniform price for excess milk does not exceed the uniform price for base milk.

Producers proposed that the method of computing prices for base and excess milk be changed to prevent the uniform price for excess milk from ever exceeding the uniform price for base milk adjusted for location. They testified that

in June 1956, the excess price was above the base price at two handlers' plants.

Under the present order provisions, a combination of such factors as overage and audit adjustments, a small proportion of excess milk in a handler's plant, and location adjustments applying only to base milk may result in the price of excess milk exceeding the price of base milk.

It is contrary to the purpose of the base plan to have the price of excess milk higher than that of base milk. To prevent its occurrence and to promote increased effectiveness of the base plan, § 952.73 should be revised so that all additions to the pool resulting from overage, audit adjustments, etc. will be reflected only in the uniform price for base milk.

8. Proposal to limit responsibility of cooperative association for administrative assessment, to its producer receipts which are classified as Class I milk, should be denied.

Producers proposed that in the operation of their plant facilities, their cooperative association should be charged the administrative assessment on only that amount of producer receipts which are utilized in Class I milk and not on that used for manufacturing. Their principal argument in requesting such special consideration was that their plant rendered a service to the whole market by balancing the supply of milk for the distributing plants through the handling of any milk not needed by the distributing plants and by furnishing supplemental milk when the distributing plants are short. Other handlers with fluid milk plants who have manufacturing operations are required to pay the administrative assessment on the total of their producer receipts. The record contains no testimony of handlers on this proposal.

It is concluded that the record contains insufficient evidence in support of the special consideration requested in this proposal and it therefore should be denied.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Austin-Waco, Texas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 952.10 and substitute therefor the following:

§ 952.10 *Fluid milk plant.* "Fluid milk plant" means (a) a distributing plant or a supply plant, and (b) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is owned and operated by a cooperative association, and 75 percent or more of the milk of the members of such association, including receipts pursuant to § 952.13 (b), is received at the fluid milk plants of other handlers.

2. Delete § 952.13 and substitute therefor the following:

§ 952.13 *Handler.* "Handler" means (a) any person in his capacity as the operator of one or more approved plants, and (b) a cooperative association with respect to the milk of any producer (1) which it diverts to a nonfluid milk plant, or (2) which it causes to be delivered directly from the farm, in bulk tank pickup truck(s) owned and/or controlled by such association, to the fluid milk plant of another handler: *Provided*, That such milk shall be deemed to have been received by the cooperative association at the location of the fluid milk plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such fluid milk plant for the purpose of §§ 952.41 (b) (4), 952.42, 952.46 (a) (1) and 952.95.

3. Delete § 952.15 (b) and substitute therefor the following:

(b) Diverted for his account by the operator of a fluid milk plant or cooperative association from such plant to a nonfluid milk plant during the period January through July and on not more than one-third of the days of delivery during the month for the period August through December: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

4. Delete § 952.18 and substitute therefor the following:

§ 952.18 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which milk is received from the dairy farm(s) of such person but from no other dairy farm: *Provided*, That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

5. In § 952.41 (b) (4) delete the following: "(5 percent with respect to skim milk during the months of April, May and June)".

6. In § 952.73 delete paragraphs (a), (b), (c) and (d) and substitute therefor the following:

(a) Compute the value on a 4.0 percent butterfat basis of excess milk used by such handler in Class II milk by multiplying the hundredweight of such milk by the price for Class II milk of 4 percent butterfat content. If the Class I milk utilization exceeds the receipts of base milk from producers, multiply the hundredweight of such excess used as Class I milk by the Class I price applicable to such handler's plant location; add such amount to the total value of milk used as Class II milk; and divide the total value by the hundredweight of receipts from producers of excess milk. The result, less any fraction of a cent per hundredweight, shall be known as the price for excess milk of 4.0 percent butterfat content for such handler at the fluid milk plant;

(b) Compute the value of base milk received by such handler from producers by subtracting the total value computed for excess milk pursuant to paragraph (a) of this section from the value obtained pursuant to § 952.71 (c); and divide the value obtained by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be the price for base milk of 4.0 percent butterfat content for such handler at fluid milk plants in Zone I.

7. Delete § 952.90 (d) and substitute therefor the following:

(d) On or before the 13th and 26th days of each month in lieu of the payments pursuant to paragraphs (a), (b) and (c) of this section, respectively, each handler shall pay to a cooperative association for milk which it caused to be delivered to such handler from producers and for which such cooperative association is not a handler pursuant to § 952.13, if such cooperative association is authorized to collect such payments for its member-producers and has so re-

quested the handler, an amount equal to the sum of the individual payments otherwise payable to such producers.

8. Redesignate § 952.90 (e) as § 952.90 (f) and add a new § 952.90 (e) to read as follows:

(e) On or before the 13th and 26th days of each month, each handler shall pay to a cooperative association for milk which was caused to be delivered to such handler by such cooperative association, and for which such cooperative association is a handler pursuant to § 952.13 (b), an amount not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 952.46 by the applicable class prices including the differentials prescribed by the order.

9. Delete § 952.46 (a) (5) and substitute therefor the following:

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 952.41 (a) (1) received from the fluid milk plants of other handlers and in milk received from a cooperative association in its capacity as a handler pursuant to § 952.13 (b) (2), according to the classification of such skim milk as determined pursuant to § 952.44 (a);

Issued at Washington, D. C., this 21st day of May 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-4232; Filed, May 23, 1957; 8:49 a. m.]

[7 CFR Part 1067]

IMPORTATION OF AVOCADOS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is giving consideration to the quality and maturity restrictions that are to be made applicable to the importation of avocados into the United States, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and to requiring inspection and certification of each such import by the Federal or Federal-State Inspection Service pursuant to the provisions of § 1060.4 of the general regulations (7 CFR Part 1060) applicable to the importation of certain listed commodities (including avocados).

The requirements under consideration are to impose the same grade and maturity restrictions on imports of avocados that are imposed on the handling of South Florida avocados. Such requirements are set forth in the quality and maturity regulation (Avocado Order 14 [1]) which is being issued to become effective May 26, 1957, pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida. The applicable provisions of such regulation are contained in paragraphs (b) and (c) thereof and are as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 3, 1957, and ending at 12:01 a. m., e. s. t., April 30, 1958, no handler shall handle any avocados, grown in South Florida, unless such avocados (i) grade at least No. 2 Grade, * * *

(2) After the effective time of this regulation, no handler shall handle any of the varieties of avocados listed in Columns 1, 3, 5, and 7 of Table I prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in Columns 2, 4, 6, or 8 of such table;

TABLE I

Variety	Date	Variety	Date	Variety	Date	Variety	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fuchs	6-24-57	Collinson	10-14-57	Pinelli	8-19-57	Avon	10- 7-57
Pollock	7- 1-57	Hall	10-21-57	Fairchild	9- 2-57	Booth 10	10-28-57
Simmonds	7- 1-57	Herman	10-28-57	Nirody	9-16-57	Booth 11	10-28-57
Nadir	7- 1-57	Winslowson	10-28-57	Simpson	9-23-57	Ajax (Booth 7 B)	11- 4-57
Hardee	7- 1-57	Booth 3	11- 4-57	Vaca	9-30-57	Dunedin	11-11-57
Trapp	7-22-57	Booth 1	11-18-57	Sherman	9-30-57	Byars 1	12- 2-57
Waldin	7-30-57	Monroe	11-18-57	Black Prince	9-30-57	Nabal	12- 9-57
Tonnage	8-19-57	Choquette	11-18-57	Marcus	10- 7-57	Schmidt	1-27-58
Booth 8	9- 9-57	Taylor	11- 4-57	Booth 5	10-14-57	Itzamna	2-24-58
Lula	9-30-57	Linda	12- 2-57	Blair	10-14-57		
Booth 7	10- 7-57	Wagner	12-16-57	Nelson	10-21-57		
Hickson	10-14-57	Petersen	8- 5-57	Rue	10-21-57		

(3) Insofar as varieties of the West Indian type of avocados not listed in Table I are concerned, no handler shall handle any of such varieties except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., June 3, 1957.

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 3, 1957, and ending at 12:01 a. m., e. s. t., June 17, 1957, the individual fruit in each lot must weigh at least 16 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 16 ounces but not less than 14 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(iii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 17, 1957, and ending at 12:01 a. m., e. s. t., July 15, 1957, the individual fruit in each lot must weigh at least 14 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iv) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., July 15, 1957, and ending at 12:01 a. m., e. s. t., September 9, 1957, the individual fruit in each lot must weigh at least 12 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(4) Insofar as any and all avocados not covered under subparagraphs (1) through (3) of this paragraph are concerned, no handler shall handle any such avocados prior to 12:01 a. m., e. s. t., September 2, 1957.

(5) Notwithstanding the provisions of subparagraph (3) of this paragraph, any handler may, on and after the applicable beginning date specified in subdivision (i) of such subparagraph, handle any lot of avocados covered by such subparagraph without regard to the minimum weight requirements specified when (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(c) As used herein, "No. 2 Grade" * * * shall have the same meaning as in paragraph (c) * * * of § 969.130 of the supplementing rules and regulations, as amended (21 F. R. 2409).

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing proposals should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER.

Dated: May 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-4233; Filed, May 23, 1957; 8:49 a. m.]

[1] See F. R. Doc. 4234, 7 CFR Part 969, *supra.*

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 014487, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a communications station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GRANITE MOUNTAIN AREA

TRACT "A"

A tract of land located on the Seward Peninsula, in the Territory of Alaska, more exactly described as follows:

Commencing at U. S. C. & G. S. Monument "Granite," latitude 65°25'32.071" N., longitude 161°14'15.055" W., NAD; thence South 400 feet to the point of beginning for this description; thence West 350 feet; thence North 1,000 feet; thence East 700 feet; thence South 1,000 feet; thence West 350 feet to the point of beginning, containing 16.07 acres, more or less.

TRACT "C"—AIRFIELD

A tract of land located on the Seward Peninsula, in the Territory of Alaska, more exactly described as follows:

Commencing at U. S. C. & G. S. Monument "Granite", latitude 65°25'32.071" N., longitude 161°14'15.055" W., N. A. D.; thence S. 48° 37' W., 8,920 feet, more or less to the point of beginning for this description; thence S. 01° 30' 30" E., 6,000 feet; thence S. 88° 56' 30" W., 1,500 feet; thence N. 01° 03' 30" W., 6,000 feet; thence N. 88° 56' 30" E., 1,500 feet to the point of beginning, containing 206.61 acres, more or less.

GEORGE E. M. GUSTAFSON,
Acting Operations Supervisor.

[F. R. Doc. 57-4212; Filed, May 23, 1957; 8:46 a. m.]

Office of the Secretary

[1567859]

SOUTH DAKOTA

RESTORING LANDS TO TRIBAL OWNERSHIP OF THE CHEYENNE RIVER SIOUX TRIBE OF INDIANS

Whereas, pursuant to the authority contained in the act of Congress approved May 29, 1908 (35 Stat. 460-463), the Townsite of Timber Lake was established within the Cheyenne River Indian Reservation, South Dakota, and

Whereas, lots 1 and 6, Block 5, Townsite of Timber Lake, are desired by the Indians and do not appear to be in public demand, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the lots involved to tribal ownership:

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 463 (a)), I hereby find that the restoration to tribal ownership of lots 1 and 6, Block 5, Townsite of Timber Lake, South Dakota, will be in the public interest and the said lands are hereby restored to tribal ownership for the use and benefit of the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation, South Dakota, and are added to and made a part of the existing reservation, subject to any valid existing rights.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MAY 17, 1957.

[F. R. Doc. 57-4213; Filed, May 23, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FREDERIC HENJES, JR., AND NORMAN G. JENSEN, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8132 between Frederic Henjes, Jr., Inc., New York, New York, and Norman G. Jensen, Inc., Minneapolis, Minnesota, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 20, 1957.

By order of the Federal Maritime Board.

GEORGE A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-4211; Filed, May 23, 1957; 8:46 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

CONSIDERATION OF NEW PERIOD DURING WHICH ARTICLE XXVIII OF GENERAL AGREEMENT ON TARIFFS AND TRADE WILL NOT BE INVOKED

SUBMISSION OF INFORMATION TO THE COMMITTEE

Closing date for applications to appear at hearings June 11, 1957.

Closing date for submission of briefs June 18, 1957.

Public hearings open June 18, 1957.

The Interdepartmental Committee on Trade Agreements has issued on this day a notice of intention to consider agreeing upon a further period during which the procedures under Article XXVIII of the General Agreement on Tariffs and Trade will not normally be invoked.[1] This Article permits a contracting party to the Agreement to modify or withdraw concessions on an individual basis on or after a specified date following consultation and negotiation with other contracting parties.

The Committee for Reciprocity Information hereby gives notice that it will receive views as to any aspect of the foregoing proposal, including possible changes in individual concessions obtained or granted by the United States which might be negotiated prior to the effectiveness of any new supplementary agreement not to invoke Article XXVIII for a further specified period. Such notice specifies that no action taken pursuant thereto would affect the right of any contracting party to withdraw or modify individual concessions pursuant to Article XIX (commonly called "the escape clause") of the General Agreement.

All applications for oral presentation of views to the Committee for Reciprocity Information in regard to the foregoing proposal shall be submitted to the Committee for Reciprocity Information not later than June 11, 1957. Such applications shall contain an estimate of the time desired for oral presentation and, to the extent practicable, shall indicate the nature of the testimony. Written statements shall be submitted not later than June 18, 1957. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statements, either typed, printed, or duplicated, shall be submitted, of which one copy shall be sworn to. Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use

[1] See Interdepartmental Committee on Trade Agreements, F. R. Doc. 57-4254, *infra*.

Only of Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 10:00 a. m. on June 18, 1957 in the hearing room in the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 22d day of May 1957.

EDWARD YARDLEY,
Secretary,
Committee for
Reciprocity Information.

[F. R. Doc. 57-4253; Filed, May 22, 1957; 12:30 p. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

CONSIDERATION OF NEW PERIOD DURING WHICH ARTICLE XXVIII OF GENERAL AGREEMENT ON TARIFFS AND TRADE WILL NOT BE INVOKED

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. (pt. 1) 945, ch. 474; 65 Stat. 73, ch. 141) and to paragraph 4 of Executive Order 10082 of October 5, 1949 (3 CFR, 1949 Supp. p. 126), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to consider agreeing upon a further period during which the procedures under Article XXVIII of the General Agreement on Tariffs and Trade will not normally be invoked. In particular, pending the entry into force of the amended Article XXVIII of the General Agreement set forth in the Protocol Amending the Preamble and Parts II and III of the General Agreement, of March 10, 1955 (H. Rept. 2007, 84th Cong. 2d Sess. 191), consideration is being given to the conclusion of a supplementary agreement limiting the withdrawal or modification of concessions under Article XXVIII for a further period beginning on January 2, 1958.

Article XXVIII of the General Agreement (61 Stat. (pt. 5) A71; 3 U. S. T. (pt. 1) 618), which is one of the most important provisions of that agreement in relation to the firmness of concessions permits a contracting party to the Agreement to modify or withdraw concessions on an individual basis on or after a specified date following consultation and negotiation with other contracting parties. This article was included in the agreement to enable a contracting party confronted with a necessity for modifying or withdrawing a particular tariff concession to do so without the necessity of withdrawing completely from the agreement. The article envisages that the balance between the concessions granted by the various contracting parties shall be maintained, preferably through the negotiation of new concessions as compensation for any modifications or withdrawals made, but through retaliatory modifications or withdrawals by other parties if agreement cannot be reached on new concessions.

Although Article XXVIII itself now provides that renegotiations under it may take place on or after January 1, 1954, contracting parties to the General Agreement have on a number of occasions undertaken by supplementary agreements not to invoke the normal procedures of Article XXVIII except after a specified date. Similar provision is made in the amended Article XXVIII, which is not yet in force, for normal invocation of the article only periodically. Pursuant to the Declaration of the Continued Application of Schedules to the General Agreement, of March 10, 1955 (6 U. S. T. (pt. 5) 5815), which is the current supplemental agreement limiting the use of Article XXVIII, normal action under the article may not be taken before January 1, 1958.

No modification of Article XXVIII would affect the right of any contracting party to withdraw or modify individual concessions pursuant to Article XIX (commonly called "the escape clause") of the General Agreement.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082, information and views may be submitted to the Committee for Reciprocity Information, in accordance with the announcement of this date issued by that Committee,[1] as to any aspect of the proposal announced in this notice, including possible changes in individual concessions obtained or granted by the United States which might be negotiated prior to the effectiveness of any new supplementary agreement not to invoke Article XXVIII for a further specified period.

By direction of the Interdepartmental Committee on Trade Agreements this 22d day of May 1957.

CARL D. CORSE,
Chairman,
Interdepartmental Committee
on Trade Agreements.

[F. R. Doc. 57-4254; Filed, May 22, 1957; 12:30 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11871; FCC 57M-485]

PRESS WIRELESS, INC., AND WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of Press Wireless, Inc., v. The Western Union Telegraph Company, Docket No. 11871; complaint with respect to delays in handling messages specifically routed via Press Wireless.

The Hearing Examiner having under consideration a motion filed on May 16, 1957, on behalf of Press Wireless, Inc., complainant, in the above-entitled proceeding, requesting that the date of the hearing in the said proceeding, now scheduled to be held on June 4, 1957, be postponed until July 9, 1957, and that the date for the exchange of exhibits therein be postponed from May 20, 1957, to June 24, 1957; and

It appearing, that sufficient "good cause" has been set forth in the said motion to warrant a grant of the relief requested therein; and

It further appearing, that counsel for The Western Union Telegraph Company and the Commission's Common Carrier Bureau, the only other parties to the said proceeding, have consented to a grant of the said motion and to a waiver of § 1.745 of the Commission's rules, in order to permit immediate consideration thereof;

It is ordered, This 20th day of May 1957, that the above motion be, and it is hereby, granted; that the date for the commencement of the hearing in the above-entitled proceeding is hereby continued to July 9, 1957; and that the date for the exchange of exhibits therein is hereby continued to June 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4227; Filed, May 23, 1957; 8:48 a. m.]

[Docket No. 12003; FCC 57M-481]

TRI-STATE RADIO CORP. (WKYV)

ORDER CONTINUING HEARING

In re application of Tri-State Radio Corporation (WKYV), Loyall, Kentucky, Docket No. 12003, File No. BP-10836; for construction permit.

It is ordered, This 20th day of May 1957, that the hearing in the above-entitled matter heretofore scheduled for June 5, 1957, is hereby rescheduled to commence at 10:00 a. m., June 13, 1957, in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4228; Filed, May 23, 1957; 8:48 a. m.]

[Docket No. 11982 etc.; FCC 57M-483]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING AND SCHEDULING PREHEARING CONFERENCE

In re applications of Enterprise Broadcasting Co., Fresno, California, Docket No. 11982, File No. BP-10319; Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, the Voice of Fresno (KONG) Visalia, California, Docket No. 11983, File No. BP-10432; Radio Dinuba Company

[1] See Committee for Reciprocity Information, F. R. Doc. 57-4253, *supra.*

(KRDU) Dinuba, California, Docket No. 11984, File No. BP-10735; for construction permits.

It is ordered, This 20th day of May 1957, that the hearing in the above-entitled matter heretofore scheduled to commence on June 13, 1957, is postponed without date and that a further prehearing conference will be held at 10:00 a. m., June 24, 1957, in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4229; Filed, May 23, 1957; 8:48 a. m.]

[Docket Nos. 11786, 11787; FCC 57M-478]

WEST SHORE BROADCASTING CO. AND WESTPORT BROADCASTING CO.

ORDER CONTINUING CONFERENCE AND HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; for construction permits.

On the oral request of counsel for The Westport Broadcasting Company, and without objection by counsel for the other parties: *It is ordered,* This 17th day of May 1957, that:

(1) The date for the further conference is continued from May 20, 1957 to Tuesday, June 11, 1957.

(2) The date for the beginning of the evidentiary hearing is continued from June 4, 1957 to Thursday, June 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-4230; Filed, May 23, 1957; 8:48 a. m.]

FEDERAL HOME LOAN BANK BOARD

BEACON FEDERAL SAVINGS AND LOAN ASSOCIATION, MILWAUKEE, WIS.

NOTICE OF APPOINTMENT OF CONSERVATOR

Pursuant to § 147.6, rules and regulations for the Federal Savings and Loan System (24 CFR 147.6), notice is hereby given that the Federal Home Loan Bank Board by Resolution No. 10,736, dated May 20, 1957, pursuant to section 5 (d) (2), Home Owners' Loan Act of 1933, as amended, 48 Stat. 132, 12 U. S. C. 1464, and § 147.6, rules and regulations for the Federal Savings and Loan System (24 CFR 147.6), appointed John F. Clorus, Conservator for the Beacon Federal Savings and Loan Association, Milwaukee, Wisconsin, effective 9 a. m., c. d. t., the 4th day of June 1957, to take charge at said time of said Association and its affairs, pending further disposition of said Association and its affairs.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc 57-4223; Filed, May 23, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6754]

PENNSYLVANIA POWER & LIGHT CO. AND METROPOLITAN EDISON CO.

NOTICE OF APPLICATION

MAY 20, 1957.

Take notice that on May 13, 1957, an application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Pennsylvania Power & Light Company (hereinafter referred to as "Pennsylvania") and Metropolitan Edison Company (hereinafter referred to as "Metropolitan"), seeking an order authorizing the sale by Pennsylvania and the purchase by Metropolitan of certain electric facilities more fully described below. Pennsylvania and Metropolitan are companies organized under the laws of the Commonwealth of Pennsylvania and doing business in said State with their principal business offices at Allentown, Pennsylvania, and Muhlenberg Township, Berks County, Pennsylvania, respectively. Applicants seek the approval of the Commission of the sale by Pennsylvania and the purchase by Metropolitan of a section of a 66,000 volt 3 phase 60 cycle double circuit steel tower transmission line extending from the Violet Hill Substation of Metropolitan in Spring Garden Township, York County, Pennsylvania, to and including a tap structure located at the Windsor Substation property of Metropolitan in Windsor Township, York County, Pennsylvania, a distance of approximately 8.3 miles, together with all lands, easements, rights and privileges appurtenant thereto. After the sale is consummated, the transmission line will continue to be used as an effective means of transmitting electric power between the systems of the two applicants as well as for Metropolitan's own present and future purposes. The consideration for the property to be sold is stated in the application to be $200,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of June 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-4214; Filed, May 23, 1957; 8:46 a. m.]

[Docket No. G-12598]

MCCARTHY OIL AND GAS CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 17, 1957

McCarthy Oil and Gas Corporation (McCarthy), on April 19, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges,[2] are contained in the following designated filings:

Description: Notice of Changes, dated April 16, 1957.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 13 to McCarthy's FPC Gas Rate Schedule No. 1. Supplement No. 14 to McCarthy's FPC Gas Rate Schedule No. 1.

Effective Date: [3] June 1, 1957.

In support of the proposed periodic rate increases, McCarthy cites arm's-length bargaining in a competitive market and states that the proposed increases are but a part of the whole contract price.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, and, pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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[1] Present rates previously suspended and are in effect subject to refund in Docket No. G-10438.

[2] Plus proportionate increases in Texas occupation tax at 7% level.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by McCarthy, if later.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-4215; Filed, May 23, 1957; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 44]

REEDY ISLAND RANGE FRONT LIGHT STATION (T-DEL-409) MIDDLETOWN, NEW CASTLE COUNTY, DELAWARE

TRANSFER OF PROPERTY TO STATE OF DELAWARE FOR WILDLIFE CONSERVATION PURPOSES

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated May 1, 1957, that property known as Reedy Island Range Front Light Station (T-Del-409), Middletown, New Castle County, Delaware, and more particularly described in said deed, has been transferred from the United States to the State of Delaware.

2. The above described property was transferred to the State of Delaware for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE, *Commissioner, Public Buildings Service.*

MAY 17, 1957.

[F. R. Doc. 57-4217; Filed, May 23, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8-2252]

L. D. FRIEDMAN & CO., INC.

ORDER REVOKING BROKER-DEALER REGISTRATION AND EXPELLING FROM NATIONAL SECURITIES ASSOCIATION

MAY 17, 1957.

In the matter of L. D. Friedman & Co., Inc., 52 Broadway, New York 4, N. Y.; File No. 8-2252.

A proceeding having been instituted pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of L. D. Friedman & Co., Inc., and whether to suspend or expel registrant from membership in the National Association of Securities Dealers, Inc., and whether Louis D. Friedman and Leo Raymond are each a cause of any order of revocation, suspension or expulsion which may be issued;

A hearing having been held after appropriate notice, at which registrant and Friedman filed a stipulation and consent to revocation and waived a recommended decision by the hearing examiner, proposed findings, briefs and oral argument;

The Commission having this day issued its findings and opinion; on the basis of said findings and opinion.

It is ordered, That the registration of L. D. Friedman & Co., Inc. as a broker and dealer be, and it hereby is, revoked and that L. D. Friedman & Co., Inc., be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc., and it is found that Louis D. Friedman and Leo Raymond are each a cause of our order of revocation and expulsion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-4216; Filed, May 23, 1957; 8:46 a. m.]

[1] Commissioner Digby dissenting.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 136]

COLORADO

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 9, 1957, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Colorado;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties: Adams, Arapahoe, Denver and Weld.

Office: Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colorado.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1957.

Dated: May 11, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-4224; Filed, May 23, 1957; 8:47 a. m.]

[Declaration of Disaster Area 137]

TEXAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 12, 1957, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties: Lampasas and Tom Green.

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Texas.

Small Business Administration Branch Office, Room 290, U. S. P. O. Building, P. O. Box 2474, San Antonio, Texas.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1957.

Dated: March 14, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-4225; Filed, May 23, 1957; 8:47 a. m.]